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W F POULTON DELT

T J RAWLINS LITH

THE NEW TOWN OF LEADHILL (G.A.Y.)

PRISON DISCIPLINE ;
AND
THE ADVANTAGES
OF THE
SEPARATE SYSTEM OF IMPRISONMENT,
WITH A DETAILED ACCOUNT OF
THE DISCIPLINE NOW PURSUED
IN THE NEW
COUNTY GAOL, AT READING ;

BY THE
REV. J. FIELD, M.A.,
CHAPLAIN.

"Parum est improbos coercere pœna, nisi probos efficias disciplinâ."

VOL. I.

LONDON :
LONGMAN, BROWN, GREEN, AND LONGMANS.
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TO THE MAGISTRATES OF BERKSHIRE,
WHOSE WISDOM, JUSTICE, AND HUMANITY,
INDUCED THEM TO SEEK THE IMPROVEMENT,
NOT LESS THAN THE PUNISHMENT, OF OFFENDERS, BY
ADOPTING THE SYSTEM OF SEPARATE IMPRISONMENT,
THIS ATTEMPT TO PROVE THAT THEIR EFFORTS
ARE NOT FRUITLESS,
IS MOST RESPECTFULLY DEDICATED, BY THEIR
FAITHFUL SERVANT,
THE AUTHOR.

PREFACE TO FIRST EDITION.

Of the various questions which particularly occupy attention in the present day, few are of equal importance to that of the once neglected, and by most persons as yet little understood, subject of Prison Discipline. Whether the thoughts be confined to the individual whom suspicion, or some

ERRATA IN VOLUME I.

- Page 172, for trainings read training.
- 282, for correctioni read correctionis.
- 349, for nihil read nihil.
- 367, for instructions read institutions.

system of separate confinement, that I prepared a report at the last Quarter Sessions for this county. In that report I endeavoured faithfully to describe some of the present benefits and promising effects attending such a plan of criminal treatment. I expressed my opinion that it was calculated, as far as punishment can effect such a purpose, to prevent offences through the salutary dread with which it is regarded by the evil-disposed, but hitherto unde-

PREFACE TO FIRST EDITION.

OF the various questions which particularly occupy attention in the present day, few are of equal importance to that of the once neglected, and by most persons as yet little understood, subject of Prison Discipline. Whether the thoughts be confined to the individual whom suspicion, or some proved offence, has subjected to restraint, or whether the mind extend its view of the inquiry to the influence on society in general, it is evident that to the moralist, the legislator, and the philanthropist, the condition and government of our gaols must appear both interesting and momentous.

It was with a deep sense of the importance of the task, and of the responsibility which attached to me as Chaplain of the first County Gaol which has been constructed and regulated upon the improved system of separate confinement, that I prepared a report at the last Quarter Sessions for this county. In that report I endeavoured faithfully to describe some of the present benefits and promising effects attending such a plan of criminal treatment. I expressed my opinion that it was calculated, as far as punishment can effect such a purpose, to prevent offences through the salutary dread with which it is regarded by the evil-disposed, but hitherto unde-

tected culprit, and by its corrective tendency to check the repetition of crimes in those who have already been convicted and punished ; and from the observations I felt called upon to offer, and the facts brought forward, I hoped it might appear to others, that as a punishment, both exemplary and corrective, the system of discipline now pursued in Reading Gaol is adapted to preserve the interests and to improve the character of society. Feeling confident in the accuracy of all I advanced, as the result of attentive observation and experience, I rejoiced that it was approved of by those, whose judgment, station, and influence, might render its publicity of some advantage : it was therefore with much pleasure that I complied with the following requisition :—

“ The undersigned, Magistrates of the County, are of opinion, that it would be of public advantage if the Annual Report, presented by the Chaplain of Reading Gaol to the Court of Quarter Sessions, at Michaelmas, 1845, were printed, with such appendix and further remarks as may tend to general information on the important subject of Prison Discipline, and they suggest as a motto for the title page—“ *Parum est improbos coercere pœnâ, nisi probos efficias disciplinâ.*”

[Signed by the Chairman and Magistrates generally.]

A Second Edition of the Report, &c., having been called for, it has been suggested that some account of the former Prisons of Reading, showing in a mea-

sure their defective construction, and the dreadful evils which prevailed in those miscalled Houses of Correction, but really schools of vice, in contrast with our recent proceedings, and the happy effects of our present discipline, might be both pleasing and profitable. Most cheerfully, therefore, do I enter upon the present work, in the hope that it may in some degree tend to remove the prejudices which exist against a system so wise, humane, and just; and greatly indeed shall I rejoice if the facts I am enabled to bring forward may in any measure conduce to the extension of a system, which I am sure is blessed as a means of advancing the glory of God, and of promoting both the temporal and eternal welfare of our fallen fellow-men.

As therefore my object in writing is simply to convey such information as may, I trust, tend to practical results, I shall without hesitation make copious extracts from those authors who have directed their attention to the state of our prisons, and have given the public the advantage of their observations and advice. Men, some of them, whose Christian principles, patriotism, and philanthropy, induced them, at the risk and sacrifice of life, to penetrate the gloomy dungeons of past days, that they might bring to light the horrors, the misery, and vice which were there concealed—men whose wisdom demands that their opinions be respected, whilst their benevolence claims that their memory should be revered. Such were Howard and Wilberforce, and Buxton; and in

more distant days those members of a Gaol Committee, whose self-denial and sympathy the poet Thomson has commended—

* * * * *

“ Can I forget the gen’rous band,
“ Who, touched with human woe, redressive search’d
“ Into the horrors of the gloomy jail ?
“ Unpitied, and unheard, where mis’ry moans ;
“ Where sickness pines ; where thirst and hunger burn,
“ And poor misfortune feels the lash of vice.

* * * * *

“ O great design ! if executed well,
“ With patient care, and wisdom-temper’d zeal,
“ Ye sons of mercy ! yet resume the search—
“ Much still untouch’d remains ; in this rank age
“ Much is the patriot’s weeding hand required.”

Winter, 359-363.

It is because I know the two last lines I have transcribed are truly applicable to the present time, that I feel constrained by a sense of duty to afford the information which these pages may contain. Much does and must remain which requires to be removed, whilst criminal association in our gaols is permitted ; and uninfluenced alike by love towards God, towards his country, or his fellow-men, must be one, who knowing that every prison in the land in which such intercourse is suffered, is like the Upas diffusing its poison on all within its reach, does not, with all the power he may possess, exert himself to uproot it, and use every effort that one, which may prevent corruption and afford a moral remedy, may be implanted in its place. And if patriotism should

prompt the effort, surely compassion towards suffering victims themselves should enforce it still more. We denounce the punishment as barbarous which obliged criminals to gather the fruit of that deadly tree that bodily health or life might be destroyed ; but surely reproach would be more deserved, if the laws of a civilized and Christian land, whilst professing to correct offenders, should really, by persevering in the plan of penal treatment yet so common, almost compel them to collect the fruit of moral contamination, and probably thereby cause the eternal perdition of both soul and body.

But for the desire expressed by the Magistrates of the County that the report annexed should be republished at this time, I might have delayed the present work until longer trial of the system of separate confinement had given further evidence of its success. That success must result I cannot doubt. My experience of the inefficacy of other plans to accomplish the reformation of offenders and prevent the recurrence of crime, renders the corrective and deterring influence of our present discipline more conspicuous and convincing. Reasoning from some acquaintance with human nature, my expectations of good from such imprisonment were sanguine, but I may truly say, with thankfulness, that they have been more than realized in the proper feelings expressed by our prisoners, as well as in their apparent and in some cases proved repentance. Still I feel that although daily observa-

tion for eighteen months has afforded satisfactory proof to my own mind, yet it will be difficult to convince others, because that term of trial may appear too short; and having had but few opportunities for personal inspection, many will probably be inclined on that account to suspend their judgment. On the other hand, I am not unmindful that the consequences of prison contamination are spreading like a noxious gangrene upon society, and demand an immediate remedy. Rewarded, indeed, will be the writer, if this effort should at all hasten its application.

PREFACE TO SECOND EDITION.

It is well for our country, and for the cause of morality and religion, that the feeling aroused in favour of penal reform has not been allowed to subside, and that the interest so generally excited in the improvement of our prisons has gradually increased. The inadequacy of all punishments before inflicted, either to check crime or to correct offenders, has been commonly acknowledged ; and legislators, and those entrusted with the administration of the law, however slowly, have become at length convinced that association in prisons, whatever restraints might be imposed, was necessarily demoralizing to the criminal, and as certainly dangerous to the community. Hence, notwithstanding the prejudices of some sincere, but ill-informed persons, and the parsimony of others, from whose view present expenditure eclipsed the prospect of future advantage, many have come forward, earnest in the advocacy of a cause in which was involved the welfare both of the public and of its prisoners. These have sought that a system which could only corrupt and destroy should cease to exert its deadly influence, and that another should be substituted, at once calculated to reform offenders, and to protect society. The separation of criminals has been insisted upon. Several prisons

have been constructed on plans for this purpose, and cellular imprisonment has now been adopted in England to a very considerable extent. Wherever it has been pursued the anticipations of good have been realised, and the reports of Magistrates, Chaplains, and of all conversant with the plan of its operations, have been most satisfactory : those best acquainted with its effects speak most loudly in its praise. It will therefore be my duty in the following pages, not merely to reason upon principles, but to allege proofs ; to contend against prejudices still cherished, to endeavour to convince opponents, and to confirm the opinions of those who approve, not so much by argument as by evidence. This, without doubt, must be most conclusive ; and since my object and hope in writing is not to afford entertainment, or mere information, but to produce some practical result, I offer this as my apology, should frequent quotations make these volumes appear to be rather a compilation than a publication of original matter. I would choose to be an useful editor in preference to a merely amusing author. If the extension of separate imprisonment be promoted by the observations and statements made, the writer will consider his purpose accomplished, and himself rewarded.

With the exception of the very interesting reports presented to Parliament by the Surveyor General, and by the Inspectors of Prisons, but few works on this important subject have appeared since the pub-

lication of my former edition. The reason of this is evident. Those best acquainted with Prison Discipline, and who alone are qualified to write upon the subject, are unwilling to incur the risk, or it may rather be said, to sustain the pecuniary loss which is almost the certain result of publishing on questions which comparatively few feel called upon to investigate. This deficiency of authorship has been indeed in some measure supplied by the evidence adduced before the recent Committee of the House of Lords on the execution of the criminal law, and which is now printed and placed in the hands of all members of the Legislature. It may, however, be feared that the very sight of three folio volumes will deter even anxious inquirers, whose time is limited, and whose engagements are many, from attempting to read them ; and thus the valuable information contained in them might never be diffused, and the opinions therein expressed by all the Judges of the land, as well as by persons practically acquainted with our prison systems, might remain almost unnoticed and unknown. It is my earnest desire to prevent this, in some degree, by endeavouring to condense the most important evidence relating to the government of our gaols, and the correction of their inmates.

Numerous and very evident are the advantages which must result from that intercourse of nations on this momentous question which has been so much promoted by the establishment and subse-

quent discussions of the Congrès Pénitentiaire. As an humble member of that honourable and philanthropic body it was my privilege to be present at the late meeting at Brussels, and I may with confidence assert that none who, either by personal attendance there, or at Frankfort in the year preceding, or who by the perusal of the speeches made on those occasions and since published in France, have thus become acquainted with the design and effect of that association, can entertain a doubt but that it will further the progress and improvement of prison discipline, perhaps more than any other means, throughout the whole civilized world. But for those meetings, and the communications there made, by some officially deputed to represent their respective governments, and by other philanthropists, whose piety, compassion, and zeal for the general good impelled them thither, comparatively little would have been known of the interest with which, throughout Europe and America, this subject is now regarded, or of the results of experiments which have either failed or proved successful. In my endeavour to give a concise account of the progress of penal reform in various countries, I need do little more than extract from the speeches in which it is described either with official authority or with undisputed accuracy.

On the question of transportation—that subject of perplexity and painful reflection, in which errors have been committed which must entail lasting re-

proach, and for which, perhaps, no corrective measures at present can prove entirely remedial, it will be my duty to offer a few remarks. The correspondence laid before Parliament on this question has, thank God, produced the effect it ought. The transportation of convicts, as before practised, has, I trust, for ever been abandoned. Appalled by the vices which have been perpetrated, the government has wisely determined that criminals sentenced to this punishment should be first subjected to the corrective discipline of separate imprisonment; the present effect and probable consequences of which may be briefly considered.

If when the introduction to his former edition was written the author entertained some fear lest the opinions he put forth should appear crude, and his experience should seem to have been too short to warrant any confidence he expressed, it is with other feelings that he enters upon his present task. Unassuming as he desires to be in asserting the conviction of his own judgment, and in stating the inferences which have been forced upon his mind by the facts, which have either occurred under his own observation, or with which he has become acquainted through credible testimony; yet since his opinions have been proved correct, and the conclusions which were the result of careful investigation, though of limited experience, have been found true and confirmed by repeated enquiry and enlarged observation, it would be affectation to pretend a like diffidence, or to write

in a manner expressive of doubt and uncertainty on questions which have been decided by testimony and circumstances in a manner the most satisfactory and certain.

Whilst then the writer is conscious of his own weakness, both as a defender of right principles and as an advocate of what is good in practice ; whilst therefore he acknowledges his insufficiency for the important work which he feels called upon to undertake, yet emboldened by a belief that it is his duty, and strengthened by an assurance that it is the cause of truth, of justice, and of humanity, in which he is engaged, he prays for and depends upon the guidance of Him whose honour he seeks, and whose glory is concerned in the subject to which the following pages will be devoted.

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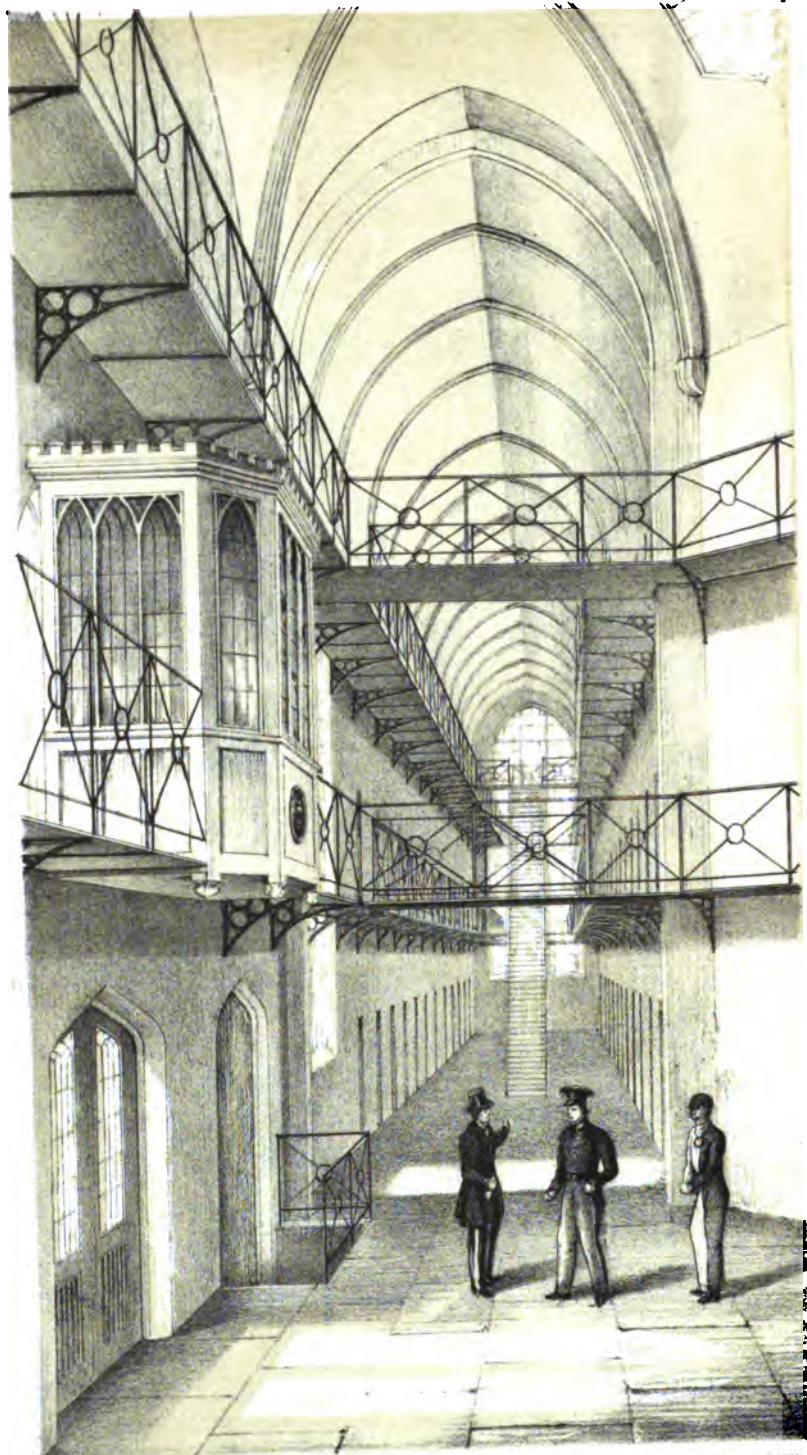
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JUVENILE OFFENDERS.—SIR J. S. PAKINGTON'S BILL.—DIFFICULTIES OF MAGISTRATES.—OFFENCES SHOULD BE FOLLOWED BY PUNISHMENT.—PLAN OF RECORDER OF BIRMINGHAM.—CORPORAL PUNISHMENT.—THE PHILANTHROPIC, STRETTON-UPON-DUNSMORE, PARKHURST, METTHAY.—FRENCH PENAL CODE; THE SIXTY-SIXTH ARTICLE.—LA BOQUETTE.—INFANTS INCAPAX DOLI.—INFANTS HAVING KNOWLEDGE LIABLE TO PENALTY.—PARENTS COMMONLY RESPONSIBLE.—PLAN PROPOSED.—SEPARATE CONFINEMENT IN REFORMATORY.—A REFUGE.—BRIDGEONORTH AGRICULTURAL SCHOOL. 380



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T J RAWLINS LITH

INTERIOR OF HALSTED HALL.

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CHAPTER I.

STATE OF PRISONS LAST CENTURY.—MINUTES OF SOCIETY FOR PROMOTING CHRISTIAN KNOWLEDGE.—ESSAY OF DR. BRAY ON METROPOLITAN PRISONS.—HOWARD'S DESCRIPTION OF PRISONS AT READING.—FEMALE KEEPERS.—A CONDEMNED PRISONER.—THE GAOLER'S TAP.—KEEPER MURDERED IN TAP-ROOM.—PRISON OF ELY.—NO BEDDING IN PRISONS.—THEIR DIRTY CONDITION.—PRISON OF KNARESBOROUGH.—HOWARD'S CAUTION.—THE GAOL FEVER.—VILLAGE OF STOKE BUCKS, DEPOPULATED BY IT.—THE BLACK ASSIZE.—HOWARD'S PRECAUTIONS.

It is not the design of my present work to give a particular description of the punishments inflicted in far distant days, or to cite at any length the records of prisons in which vices prevailed and cruelties were practised, but all discipline neglected. Still it may be interesting, and not altogether unprofitable, to shew in a few pages the condition of the prisons of England during the last century, and to observe how little improvement had been effected up to a very recent period. Yet so little appears to have been the interest taken in prisoners themselves, or in the places of their custody, that the sources of accurate information are scanty, and what we can learn is derived rather from incidental notices than from any designed treatises on the subject. In this and subsequent chapters I shall occasionally refer to some of these; at present I confine myself to some in-

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teresting and authentic statements descriptive of prisons at the very beginning of the last century, contained in the minutes of the venerable Society for Promoting Christian Knowledge.*

On the 12th January, 1701-2, a committee of the society was appointed to visit the apartments of the prisoners in Newgate. In the following week Dr. Bray, who was one of the committee, reported that he and the other members had visited the prison, and would go thither again ; and that “ being affected with the sight of so many miserable objects of pity, they had thought fit to distribute some monies amongst them.” The society not only reimbursed the visitors, but empowered them to render further assistance of the same kind, and to supply books and tracts to the prisoners. Dr. Bray, it is further stated, made great exertions on behalf of the prisoners, and wrote an essay enforcing the better regulation of Newgate, and the other prisons in

* It is only within these few days that the mention of these interesting facts has been discovered in some manuscript records, which, though safe in the society's offices, have long been unnoticed. I am indebted for the perusal of them, and for the extracts to the Rev. T. Boyle Murray, the secretary of the society, who having observed them, most kindly gave me information. I am pleased to add, that it is Mr. Murray's intention to publish a “ History of the Society for promoting Christian Knowledge,” a work which will be, read with much interest, and in which this early attention to the bodily wants and spiritual destitution of prisoners will be referred to, amongst the many other charitable acts of this truly philanthropic society.

and around London. The state of those gaols may be in some measure learnt from the abuses to which he referred :—1. The personal immorality of the keepers and under-officers. 2. Their confederacy with prisoners in their vices. 3. The unlimited use of wine, brandy, and other strong liquors, even by condemned malefactors. 4. Swearing and gambling. 5. Old criminals corrupting new comers. 6. Neglect of all religious worship. Other enormities are described, of which I cannot here speak, but for permitting which the keepers are reported to have been regularly paid.

Well had it been if the remedies proposed by this excellent man had been at that time adopted. They are judicious, and such as, for the most part, are now applied. Great stress is laid in these proposals on the importance of appointing certain magistrates to visit the prisons at least once a week, to take account of their state, and to pay careful attention to the characters of the officers set over the prisoners. It is also recommended that the salaries of prison chaplains should be a sufficient maintenance and encouragement for their constant attendance ; that by means of some daily occupation, in which the prisoners may be employed, they may acquire habits of industry ; that all the prisoners who can read be furnished with Bibles, Prayer Books, and works of devotion ; that morning and evening prayer be read in all prisons every day in the week, and suitable sermons preached every

Lord's Day ; that the Sacrament of the Lord's Supper be administered monthly, and that the minister be very careful to apply himself to each communicant in examination and instruction, after sufficient notice given of his inclination to receive. This valuable document, penned one hundred and forty-seven years since, concludes with the following earnest appeal :—

“ It is very much hoped that the Right Honourable the Lord Mayor and the Sheriffs of the City of London will take this whole matter into their special consideration ; considering that the reformation of prisons may much contribute to the reformation of the public. For prisons are one great part of our correction for criminals, and, if well managed, may prove effectual to their amendment : whereas, for want of discipline, it now generally happens that prisoners are made much worse by them ; and if an innocent person be committed by misfortune or mistake, he is commonly corrupted, and turns profligate.*

* It is truly pleasing to give publicity to facts which may tend, in some measure, to shew that our forefathers were not all destitute of feeling towards offenders. Had the late Sir James Mackintosh seen these records, he would have qualified his eloquent severity, when, at a meeting of the Prison Discipline Society, in 1821, the Duke of Gloucester, Lord Calthorpe, and Lord John Russell, having spoken, he said—“ Mr. Howard was the first who caused the stream of sympathy to flow in this direction ; for, before his time, the matter was *overlooked*, or the only sentiment entertained was

“ Care in this affair is more particularly recommended to the city of London, both because prisoners are here in greater number than in other places, and because the example of this capital city is like to have an influence upon the whole kingdom.”

But although vices of such an aggravated character seem to have commonly prevailed, we do not find from the society’s minutes that its pious efforts produced much effect, or that the excellent suggestions were adopted.

This committee afterwards report that they visited the Marshalsea prison, where they found much privation and distress, both temporal and spiritual. In dealing with this case they gave money for supplying the bodily necessities of the prisoners, which were extreme, raised funds for the services of a clergyman and for a pulpit and desk in the prison, and used all their influence with the government to remedy that crying evil—inattention to the classification of prisoners and convicts.*

a kind of stupid abhorrence of every one who was merely accused of a crime. It was not till then that the true principle and object of penal inflictions was acknowledged to be, not the gratification of human vengeance, nor the anticipation of eternal justice, but simply the prevention of crime.”

* In their efforts for prisons and prisoners, the members in London received much encouragement and support from the Christian zeal of benevolent persons in the country. This appears by the abstracts of letters in the society’s possession ; especially of communications from Bristol, respecting the liberal aid rendered in this behalf by Mr. E. Colston, a worthy philanthropist of that city.

To the minister either of justice or religion, whose duty and privilege it is to superintend the arrangements of a gaol conducted on the system of separate confinement; and who is enabled either from his own experience, or through the description of others, to contrast the cleanliness, order, and, above all, the moral discipline which therein prevail, with the confusion, the filthiness, and demoralization, which in times past rendered our prisons both the disgrace and scourge of our land, it must be difficult to find an object of comparison which shall adequately express the rapidity and extent of the improvement. Nothing perhaps can more suitably represent its progress than the change which science and art have introduced in the means of locomotion. Yet this similitude in one respect must fail. We cannot revert to the time when man's ingenuity had not contrived some mode of conveyance adapted to his purpose; but truly we may look back to even recent days, when the prisons of our land, instead of fulfilling the design of the law in correcting offenders and repressing crime, were like foul dens, in which ferocity was unrestrained—dungeons of wretchedness and iniquity, in which the vicious became yet more depraved, and where crimes of every description were encouraged and increased. That such a statement does not represent the truth in colours too dark and dismal, I believe will be admitted, if I here transcribe the account given by Howard of the prisons of Reading when visited by him in the years 1773-4-6-& 9.

COUNTY GAOL AT READING.

GAOLER—The Widow WISEMAN;^(a) after her JOHN HILL;
now his Widow.

Salary, £20.

Fees, Debtors, £0 16s. 10d.

Felons, 0 14s. 4d.

Transports, £2 2s. 0d. each.

Licence, Beer and Wine.^(b)

PRISONERS,

Allowance, Debtors, none.

Felons, three pence a day each.

Garnish, Debtors, £0 5s. 6d.

Felons, 0 2s. 6d.

Number,	Debtors.	Felons,&c.	Debtors.	Felons,&c.
1773, Dec. 11	11	11.	1776, Nov.	1 3 8
1774, July 29	10	6.	1779, April 21	9 9
1776, Jan.	1	9 15.	Impressed Men	19

CHAPLAIN, Rev. Mr. WEBSTER.

Duty, Sunday and Wednesday.

Salary, £31 10s. 0d.

SURGEON, Mr. TYLLEARD.

Salary, £10 for Gaol and Bridewell.

“Debtors and felons have their courts separated by iron rails. The former have a kitchen: and for the master’s side many rooms; but no free ward. Felons have a day-room for men and women. The night-room for men is a large dungeon down four steps: the prisoners broke out lately. A separate night-room for women. The turnkey has now a lodging-room, over the felons’ dungeon, with an

alarm bell; so that an escape may be more difficult.^(c) There is lately fitted up a small room for an infirmary; and another room or two: but no provision made for separating men felons at night; nor for common-side debtors. There is a room used for the gaoler's poultry. Transports had not the King's allowance of 2s. 6d. per week. No table of fees. Clauses against spirituous liquors not hung up. No straw. The common-side debtors pay 1s. 6d., and the master's-side 2s. 6d. a week for lodging. The chapel is much too small.—I observed at my last visit, that the act for preserving the health of prisoners was painted on a board in the debtors' court.

“About six years ago a gentleman sent to this gaol for the prisoners thirty-six rugs or coverlets: most of them now worn out.^(d)

“When felons come to this prison, they are washed and put on clothes provided by this county. The men have a Russia-drab coat and breeches, a flannel waistcoat, two check shirts, and two pair of yarn hose. The women, a linsey woolsey gown and petticoat, a flannel petticoat, two dowlas shifts, two pair of yarn hose. Their own clothes are ticketed and hung up till the Quarter Sessions or Assizes; when they put them on again to appear in on trial. Afterwards the county clothes are washed, mended, and purified in an oven, for the use of future criminals. The clothing aforesaid for twenty men and five women cost only 26*l.* 6*s.* 8*d.*

“The following verses are written over the debtors' grate to the street :—

Oh ye whose hours exempt from sorrow flow,
Behold the seat of pain, and want, and woe :
Think, while your hands th' entreated alms extend,
That what to us ye give, to God ye lend.*

COUNTY BRIDEWELL, READING.

“This is also the town bridewell. It was formerly a church,⁽⁴⁾ and is a spacious room, with four small dark huts on one side for night-rooms. The county pays rent to the corporation. It is dirty,⁽⁵⁾ and out of repair. Women and men are together in the day time. No court : no water :⁽⁶⁾ allowance to felons, three pence a day ; and to petty offenders, two five-farthng loaves each, every Sunday, and one every week-day. Keeper's salary, 18*l.* from the county : 2*l.* from the town : fees 4*s.* 4*d.* no table : licence for beer : half the profit of the prisoners' work : 2*l.* a year to find them straw. Clauses against spirituous liquors hung up : and there were painted on a board, some orders to be observed in the bridewell, approved by J. P. An-

* On a late visit to Dover, I observed similar lines inscribed over a box near the Castle Prison, to which attention was called by means of a bell. On enquiring of the warder I ascertained, that until very lately all that was thus collected was spent in drunkenness and debauchery. The expenditure is now somewhat more under the controul of the authorities, but the propriety of exciting mistaken charity by a statement contradicted by facts, I suppose few will defend.—*See ch. iv.*

drews, and Fred. Collins, Justices at the Quarter Sessions, April 28, 1778.

1776	Jan. 1,	Prisoners	6
—	Nov. 1,	—	6
1799	April 21,	—	7

READING TOWN GAOL OR COMPTER.

“ Three rooms in a public house (the Reading Arms) belonging to the town. The eldest sergeant has generally the refusal of it. No court: no water. Felon's allowance, three pence a day. Keeper no salary: fees, 4s. 4d. no table.

1776	Nov. 1,	Debtors	2
1779	April 21,	No Prisoners.	

^(a)That women should have been keepers of gaols, and intrusted with the management of dissolute prisoners for debt, and felons of character so desperate, that numbers were adjudged to be unfit to live, may well excite surprise; yet this is by no means a singular instance. At the time this account was written, the county gaols of Worcester, Chelmsford, Horsham, Monmouth, Gloucester, Exeter, Bodmin, and Brecon, were respectively under the custody of a woman.

This circumstance alone might account for the absence of all proper discipline; yet it appears strange that whilst so many cruelties were practised, even the safe custody of criminals was so little ensured. An anecdote may illustrate this remark. In those times, when the sanguinary nature of the penal

code caused executions to be so frequent as to prevent that salutary terror and ignominy, with which death on the scaffold ought ever to be regarded ; it was customary to remove the condemned in carts to a place about three miles distant from Reading, still known as Gallows Common, where the last penalty of the law was inflicted. The following statement, which I have received from good authority, may in some measure shew the low estimate in which human life was held, and the cruel manner in which it was sometimes sacrificed as a thing of little worth :—A man towards the close of the last century was convicted of horse-stealing, and sentenced to be hanged. A respite was however granted, and the officers of justice supposing him to be spared, and that he would never be the victim of that atrocious law, allowed him to be engaged in the service of the gaol ; he was a sort of prisoner at large, often sent on errands, and engaged in similar occupations, which afforded daily opportunities for escape. To the surprise of himself and others, after more than two years had been thus spent, an order for his execution arrived ; he was at once conveyed to the scene of slaughter, and within a few hours had ceased to live.

^(b)This most demoralizing custom of licensing gaolers to sell beer, &c., appears to have been almost universal. The Gaol Committee, in 1729, after speaking of many evils resulting from the keepers having the advantage of the tap-house, further state,

that “To advance the rent thereof, and to consume the liquors there vended, they not only encourage riot and drunkenness, but also prevent the needy prisoner from being supplied by his friends with the mere necessaries of life, in order to increase an exorbitant gain to their tenants.”

“Gaolers who hold, or let the tap, find their account in not only conniving at, but promoting drunkenness and midnight revels. What profligate and debauched company of both sexes do we see let into our gaols that the tap may be kept running!”

—*Howard's State of Prisons*, p. 31.

On revisiting the gaols of this county, in 1789, Mr. Howard found that the old keeper of the Windsor Castle Prison had been murdered by his prisoners in his tap-room.—*Brown's Life of Howard*, p. 550.

Soon after this time the sale of beer by the gaolers was prohibited (24 Geo. III., cap. 54), and it became the practice to allow some addition to their salaries “in lieu of the tap;” but in 1788, when Mr. Howard revisited the prisons of England, he found that the design of this was frustrated by the debtors, who became, in many prisons, venders of beer, &c. Thus at Newgate—“I found some of the debtors had in their apartments casks of beer for sale; and on the felons' side a person stood with cans of beer.” And in the conclusion to his second book he writes—“Though the gaolers taps are abolished, yet are not publicans continually

waiting to serve the prisoners, and their company ? Is not beer *now* sold by the debtors ? and do not the turnkeys keep *shops* in the gaols ? * * * How many prisoners, together with their keepers, have I known destroyed by drinking, and how many convicts going out of the world in a state of intoxication !”

(c) This preventive was more merciful than that commonly resorted to, of loading the prisoners with heavy irons—a punishment most oppressive and painful—indeed, so merciless were many of the keepers of that day, that they appear to have invented means the most cruel for securing their pitiable victims. The following is given in Howard’s description of the Prison of Ely :—“ This gaol, the property of the bishop, who is Lord of the franchise of the Isle of Ely, was in part rebuilt by the late bishop about fourteen years ago ; upon complaint of the cruel method, which, for want of a safe gaol, the keeper took to secure his prisoners. This was by chaining them down on their backs upon a floor, across which were several iron bars ; with an iron collar with spikes about their necks, and a heavy iron bar over their legs. An excellent magistrate, James Collyer, Esq., presented an account of the case, accompanied with a drawing, to the King ; with which his Majesty was much affected, and gave immediate orders for a proper inquiry and redress.”

(d) Disgraceful as it must appear that, excepting

this charitable, but very insufficient supply, no provision of bedding or even of straw on which to lie should have been made, yet the prisons of Reading were not more neglected than others. Howard states that “ In many gaols, and in most bridewells, there is no allowance of bedding or straw for prisoners to sleep on ; and if by any means they get a little, it is not changed for months together, so that it is almost worn to dust. Some lie upon rags, others upon the bare floors. When I have complained of this to the keepers, their justification has been, ‘ The county allows no straw ; the prisoners have none but at my cost.’ ” No less than forty-one prisons are described in his account of the Prisons of England, as being totally unfurnished in this respect ; whilst the scanty allowance in many others scarcely rendered the accommodation preferable. In the County Gaol of Durham, for instance, Howard states that “ The men are put at night into dungeons : one, 7 feet square, for three prisoners : another, the *Great Hole*, 17 feet by 12, has only a little window. In this I saw six prisoners (in 1776), most of them *transports*, chained to the floor. In that situation they had been many weeks ; and were very sickly. *Their straw on the stone floor almost worn to dust.* There is another dungeon for women-felons, 12 feet by 8 ; and upstairs a separate room or two.”

(e) The Chapel of the Friary. This is still the Town Bridewell.

“The state of many prisons in this respect was too disgusting to be imagined. The following is the description of a prison at Knaresborough :—“It is under the hall: of difficult access: the door about 4 feet from the ground: only one room, about 12 feet square: window 17 inches by 6: earth floor: no fire-place: very offensive; a common sewer from the town running through it uncovered. I was informed that an officer, confined here some years since, for only a few days, took in with him a dog to defend him from vermin; but the dog was soon destroyed, and the prisoner’s face much disfigured by them.”

“Seventy-seven other prisons are enumerated by Howard, in which no more water was provided than was required to drink.

Although in this description little has been said of the vile enormities which were generally perpetrated in the prisons of those days, yet we cannot suppose these to have been more free from them than others, of which our author states, “The inmates of them become desperate, and come out fitted for the practice of any villainy.” * * “Discharged offenders spread disease and vice wherever they go; and instead of being amended become an aggravated evil to society.” * * “Many may date the total loss of every principle of honour and virtue from their confinement in these schools of wickedness.” Speaking of prisons in general at that period

it might well be said that, though sometimes called hospitals for patients labouring under moral diseases, they were really of a kind which might rather be compared to the plague-houses in the East, in which every person afflicted with that mortal disorder is sure to perish ; and he who is sent there without yet being attacked, is sure to be infected. The awful inscription which the Bard of Florence tells us he read over the gates of the infernal regions* would have found a fit place over the entrance of these moral lazarettos, intended for punishment and for the prevention of crime, but in reality generating it, and effecting the total ruin and corruption of their unhappy inmates.† And in further confirmation of this truth, the following passage is quoted :—“The misery of gaols is not half their evil ; they are filled with every corruption which poverty and wickedness can generate between them, with all the shameless and profligate enormities that can be produced by the impudence of ignominy, the rage of want, and the malignity of despair. In a prison the awe of the public eye is lost, and the power of the law is spent ; there are few fears ; there are no blushes. The lewd inflame the lewd ; the

* “ Through me you pass into the city of woe :
Through me you pass into eternal pain,
Through me among the people lost for aye.
* * * * *

All hope abandon ye who enter here.”—*Dante*.

† Lieber’s preface to Penitentiary System, &c.

audacious harden the audacious. Every one fortifies himself as he can against his own sensibility, endeavours to practise on others the arts which are practised on himself ; and gains the kindness of his associates by similitude of manners."—*The Idler*, No. 38.

These statements, I fear, were applicable to the prisons of England of that day with scarcely an exception.* But in the particular account of those

* Although at this time some of the Continental prisons were, as respects their condition and demoralization, equally disgraceful ; yet on the whole they appear to have been better conducted than our own. Those of Holland, in particular, were models which might well have been copied ; concerning them, Howard says, " I leave this country with regret, as it affords a large field for information on the important subject I have in view. I know not which to admire most, the neatness and cleanliness appearing in the prisons, the industry and regular conduct of the prisoners, or the humanity and attention of the magistrates and regents.

About forty years after the above was written, I find the following remarks of Sir T. F. Buxton :—" Great Britain may become in this, as she is in so many other branches of political wisdom, an example to the surrounding nations ; instead of being (as was observed by a foreign gentleman well acquainted with the subject, as he went round Newgate), an instructive warning of principles to be rejected, and practices to be avoided in the management of prisons."—*Prison Discipline*, p. 183.

Although at the present day with reference to Arts and Sciences, and I hope religion and morals, we may rank chief among the nations ; yet as respects our penal arrangements

at Reading and others, I observe that whilst the benevolence of Howard prompted him to expose the wretchedness, it also induced him to conceal the vices which prevailed. It cannot be supposed that this was occasioned by any mistaken kindness, or through indifference towards morality or religion. His zeal for God was not less ardent than his desire to advance the welfare of men by relieving the distress he witnessed. But there was prudence in the course pursued. The exposure of vice on all occasions might have excited the ill-will of authorities, and thereby have prevented the accomplishment of his purpose. Again, the times were those in which the claims of compassion could be pleaded with success, whilst those of religion were disregarded

and prison discipline, we must concede the palm to others. I felt this recently when conversing with a member of the Chamber of Deputies, who has devoted much time and talent to the improvement of prisons in France, and he observed, "My country cannot in many things boast of being equal to this, but I am proud that as respects our prisons, we surpass you." At the same time he admitted that no superiority could be claimed over those prisons of ours, in which the system of separate confinement is pursued.—*Note to 1st Edition.*

I rejoice to add in this edition, that so rapid has been the spread of the separate system in England, during the last two years, that the same honourable member was induced to express an opinion far different at the late Congrès Pénitentiaire, at Brussels. Indeed, I trust that the day has now arrived in which we may see accomplished what Buxton above predicted as possible.

and too often scornfully rejected.* A charge of fanaticism might have been fatal to his efforts.

* It is interesting to trace the resemblance of character in the two contemporary philanthropists, Howard and Wilberforce. The probable motive I have mentioned, I have since found was the very argument urged by the latter for not introducing a religious question connected with the treatment of condemned criminals. "To bring forward such a motion," was his answer when it was pressed upon him, "would lead to much profane ribaldry, and to no good result. You could only argue it upon grounds to which the great mass are altogether strangers."—*Life of Wilberforce*, Vol. 3, p. 84.

The very same feeling seems to have influenced some philanthropists in France. Thus, de Beaumont and de Tocqueville observe, "For a long time those who have raised their voices in France in favour of prison reforms, have called public attention simply to clothing, food, &c.; at present the work of those must commence who believe that there is in the discipline of prisons a moral part, which must not be neglected." And again, "It cannot be denied that there are with us generous individuals, who, endowed with profound sensibility, are zealous to alleviate any misery, and to heal the wounds of humanity; so far, their attention, exclusively occupied with the physical condition of the prisoners, has neglected a much more precious interest, that of their moral reformation. It is clear, however, that, called to this field, their charity would not be tardily dispensed, and their efforts would undoubtedly be crowned with some success. But these sincere philanthropists are rare; *in most cases*, philanthropy is with us but an affair of the imagination. The life of Howard is read, his philanthropic virtues are admired, and it is confessed that it is noble to love mankind as he did; but this passion, which originates in the head, never reaches the heart, and often evaporates with the productions of the pen."

Caution was therefore requisite. The removal of evils which none desired to perpetuate, would prepare the way for the introduction of blessings infinitely more important. But had the latter been first attempted, the obstacles might have been insurmountable, and all endeavours vain.

—————“ Men may outrun
By violent swiftness, that which they run at,
And lose by over-running.”

In his second work on prisons, Mr. Howard, after paying a deserved compliment to magistrates who had improved the state of some prisons, remarks, “ With satisfaction I have observed the liberal and humane spirit which engages the public to alleviate the condition of prisoners. But at this point the spirit of improvement unhappily seems to stop, scarcely touching upon that still more important object, the *reformation of morals* in our prisons ; yet it is obvious that if this be neglected, besides the evil consequences that must result from such a source of wickedness, a suspicion will arise that what has been already done has proceeded chiefly from the selfish motive of avoiding the danger to our health in attending courts of judicature.”

Great, indeed, was that danger, and, as we shall shew, often very fatal, in places where culprits were present. Reverting to the filthy state of gaols at this time, we observe that their want of ventilation, or of warmth, excepting that which the putrid atmosphere occasioned, must have been sufficient of

itself to produce disease; but when we further observe the insufficiency of food, and the want of bedding, which obliged the prisoners to wear, both day and night, clothes which were never cleansed, we cannot feel surprised that such direful maladies prevailed. Howard states, "In visiting the prisoners my clothes became so offensive, that in a post-chaise I could not bear the windows drawn up; and was therefore often obliged to travel on horseback. The leaves of my memorandum-book were often so tainted, that I could not use it till after spreading it an hour or two before the fire; and even my antidote, a vial of vinegar, has, after using it in a few prisons, become intolerably disagreeable. I did not wonder that in my journeys many gaolers made excuses; and did not go with me into the felons' wards.

"I am ready to think that none who give credit to what is contained in the foregoing pages, will wonder at the havock made by the *gaol fever*. From my own observations, in 1773 and 1774, I was fully convinced that many more were destroyed by it than were put to death by all the public executions in the kingdom. This frequent effect of confinement in prison seems generally understood, and shews how full of emphatical meaning is the curse of a severe creditor, who pronounces his debtor's doom to *rot in gaol*. I believe I have learned the full import of this sentence from the vast numbers who, to my certain knowledge, some of them before my eyes, have perished in our gaols."

A very remarkable instance of this cruelty, and of its terrible consequences, is described in the diary of the Rev. T. Scott. That excellent man, whose philanthropy was like that of Howard, though called forth in a somewhat different sphere, gives us the following statement, in 1780 :—“A circumstance took place at Stoke (Bucks), with which I was in some measure concerned, and which appears to me to suggest important cautions. A baker allowed a poor man, his customer, with a large family, to run into his debt to the amount of ten pounds and then arrested him for the money, foolishly supposing the overseers would pay it rather than suffer the man to be thrown into prison. They of course disappointed his expectation. The debtor was sent to Aylesbury Gaol, where the gaol fever then prevailed. He took that dire disease. His wife went to see and nurse him. He died. She returned home, sickened, and died. The malady spread in the village, sparing the children, but proving fatal to the parents. The neighbouring apothecaries in vain attempted to stop its progress. I also ventured into the recesses of misery and infection, and in a few instances tried my medical skill, as well as gave spiritual counsel. But I soon found that the case baffled all my efforts. I believe forty children had been bereft of one parent, and nearly twenty of both. I knew the overseer; I went to him, and remonstrated with him on the grounds, not only of mercy and humanity, but of policy; and succeeded in convincing him that no medical

expense which could be incurred was likely to burden the parish a tenth part so much as this fatal progress of the disease was doing. * * *

The same fever had broken out in the gaol at Northampton, as well as at Aylesbury.

“ In Baker’s *Chronicle*, page 353, that historian, mentioning the assize held in Oxford Castle, 1577, (called from its fatal consequence the *black assize*) informs us, that ‘ All who were present died within forty hours : the Lord Chief Baron, the Sheriff, and about three hundred more.’ Lord Chancellor Bacon ascribes this to a disease brought into court by the prisoners ; and Dr. Mead is of the same opinion.

“ The first of these two authors, Lord Bacon, observes, that ‘ The most pernicious infection next the plague, is the smell of the jail ; when the prisoners have been long and close and nastily kept : whereof we have had, in our time, experience twice or thrice ; when both the judges that sat upon the jail, and numbers of those who attended the business, or were present, sickened upon it and died.’ ”

Howard observes, “ I have been frequently asked, what precautions I used to preserve myself from infection in the prisons and hospitals which I visit. I here answer, that next to the free goodness and mercy of the Author of my being, temperance and cleanliness are my preservatives. Trusting in Divine Providence, and believing myself in the way of my duty, I visit the most noxious cells ; and while so employed, ‘ I fear no evil.’ I never enter a prison

or hospital before breakfast, and in an offensive room I seldom draw my breath deeply.—*Howard's State of Prisons*, p. 431.

Such were the precautions which this most pious example of benevolence considered it his duty to adopt, while at the same time he confided only in the power of Him, whose arm alone could protect against violence, or preserve amidst disease. Devoted to the service of his God, and like his Divine Master going about doing good to men, he allowed no apparent danger to interfere with duty ; no sacrifice of ease or health, or of anything which this world could furnish, to hinder its performance. In the exercise of charity he met with death, which, although he did not court, he was prepared to welcome.* On the pedestal of his statue it is inscribed

* When seized with a fever, which Mr. Howard foresaw would prove fatal, he observed to his friend, Admiral Priestman, " You endeavour to divert my mind from dwelling upon death ; but I entertain very different sentiments. Death has no terrors for me ; it is an event I always look to with cheerfulness, if not with pleasure : and be assured the subject is more grateful to me than any other. I am well aware that I have but a short time to live ; my mode of life has rendered it impossible that I should get rid of this fever. If I had lived as you do, eating heartily of animal food and drinking wine, I might, perhaps, by altering my diet, be able to subdue it. But how can such a man as I am lower his diet, who has been accustomed for years to exist upon vegetables and water, a little bread, and a little tea ? I have no method of lowering my nourishment, and therefore I must die. It is such jolly fellows as you, Priestman, who get over these fevers."

that "He was a victim to a perilous and benevolent attempt," &c. True, if we confine our view to the present world, but contemplating the condition thenceforth of one whose works were the fruit of faith, and labours the effect of love, surely we may rather say that his benevolence hastened his reward, and that whilst death prevented his attempt to prolong the life of others, it opened the gates of everlasting blessedness to himself.*

* So inseparable is the name of Howard from benevolence in punishment, and improvement in prisons, that I trust the lengthened notice of one, whose character must be revered and loved, and whose example must promote the glory of God and the good of man in proportion to the influence it may have on others, will not be considered an improper digression. It is an interesting fact and an honour to our christian church and country, that the statue of this holy and devoted man was the first national monument erected in St. Paul's Cathedral.

CHAPTER II.

PRISON IN 1788.—THE TREADMILL.—EVILS OF THE SILENT SYSTEM.—CLASSIFICATION OF PRISONERS FUTILE.—EXTRACTS FROM REPORTS OF HOUSES OF LORDS AND COMMONS.—EVIDENCE OF PRISON OFFICERS AND OF PRISONERS.—OF MRS. FRY.—BISHOP OF TASMANIA.—M. M. DE BEAUMONT AND DE TOCQUEVILLE.—SIR PETER LAURIE.—BISHOP DAVYS.—ILLUSTRATIONS FROM SIR T. F. BUXTON.—FROM THE ORDINARY OF NEWGATE.

A.D. 1785, about six years after the last visit of Howard, and probably in a great measure in consequence of the suggestions of his wisdom; but still more perhaps the result of that benevolence, which, whilst it glowed with such fervour in his own breast, diffused itself and enkindled the like affection in others, it was determined that the miserable habitation of cruelty and crime which has been described, should be demolished, and a prison sufficiently commodious and, according to the defective notions of punishment and prison discipline which then prevailed, well suited to its purpose, should be erected in its stead. A situation most appropriate was therefore selected. Perhaps a more favourable locality for the construction of a prison could not possibly have been provided. Entirely detached, and sufficiently distant from the town to prevent the evils of a neighbouring population, yet near enough

for the advantages of necessary intercourse ; on a rising ground composed of gravel, with the river Kennet at its base. A spot therefore most healthful, and thus far conducive to the welfare of its inmates.

I will not detain the reader with uninteresting details of this building, but content myself with stating that all things which were then considered requisite for the mere punishment of imprisonment were provided within its walls. About thirty years after, a feeling of compassion towards the young delinquents, and a desire that they might not be contaminated by constant intercourse with the elder prisoners, who had become hardened and more depraved by longer continuance in crime, induced the late Augustus Schutz, Esq., to bequeath the sum of £1,000 towards the construction of a prison exclusively for juvenile offenders. The necessary addition to this sum was made from the county funds. Separate wards, together with an infirmary, and some cells were erected, and the object proposed was to some extent accomplished. Thus then in many respects improvement was effected. With the change of place and of prisons cleanliness and health and comfort were in a measure obtained. But whilst the welfare of the body was thus consulted, and until the gaol became crowded, to a great extent secured, the mind and the morals were too much neglected. A system of misrule yet remained. The gaoler was still allowed his license, and the tap presented its constant temptations.

Idleness and dissipation prevailed amongst criminals, who were permitted to provide for themselves, or whose friends not only supplied their necessities, but pampered their vices; whilst the poverty and distress of their less fortunate and friendless companions rendered them the subjects, not only of punishment, but of tyranny and oppression. By degrees these glaring evils were discovered and corrected. The license was refused, and the traffic was forbidden. Idleness was seen to be injurious, and a remedy was sought. The tread-wheel was introduced,* and the futile attempt was made to amend the morals and to reform the offender by means of bodily suffering and fatigue.† The effort, as may be presumed, and will be hereafter proved, entirely failed. To the cursory observer, the evils thus produced being less obvious, the very evident

* This means of punishment was invented in 1822, and the House of Correction, at Reading, was one of the first in which it was adopted.

† The end of punishment is no other than to prevent the criminal from doing further injury to society, and to prevent others from committing the like offence. Such punishments, therefore, and such a mode of inflicting them, ought to be chosen, as will make the strongest and most lasting impressions on the minds of others, with the least torment to the body of the criminal. * * * The degree of the punishment, and the consequences of a crime, ought to be so contrived, as to have the greatest possible effect on others with the least possible pain to the delinquent." *Marquis Beccaria,—Crimes and Punishments, ch. xii. & xix.*

increase of punishment might appear to be an improvement; but to those, who by constant intercourse with the sufferers became more acquainted with its effects, those evils were beyond comparison greater than any which were corrected. They varied with the disposition and character of the criminal. By such torture and toil some were exasperated; others too greatly depressed. These results, though of an opposite nature, were almost equally injurious, since either of them rendered the mind unfit for instruction, and the culprit less capable of correction. Nor were these the only ill effects which attended a punishment so severe and painful. I observe here, what it will be my duty to notice more particularly in the ensuing pages, that it engendered deceit and falsehood to a frightful extent.

If the hard labour of the tread-wheel could have checked the intercourse and contamination of criminals, so far its effects had been good; but although with a view to this, prisoners were forbidden to converse with each other, and punished for doing so when detected,* yet this ineffectual prohibition did

* This prohibition, instead of preventing the evil, only induced prisoners to be more cunning in the practice of it. I have questioned many criminals, who have been confined in prisons where silence is most strictly enforced, and they have told me that they "could soon learn what they wanted. We had got eyes as well as they; they used to watch very closely, but they couldn't always be looking at us, and we could see when they didn't."

but aggravate the evil.* The temptation to transgress such a rule was too strong to be resisted, and the recorded offences committed on the wheel, for which punishment was inflicted, exceed all others in number; whilst the endeavour to enforce obedience was found to be so vain, that many more were only censured or entirely overlooked. The sad consequences of such a system must plainly appear. There was little possibility of correction whilst irresistible temptations were presented, since not only was the immediate evil of disobedience incurred, but who does not feel that in our state of probation, by consenting to any enticement the moral principle is violated, and the power of future resistance rendered less effective. The remote consequence therefore of subjecting men to temptation, which experience proved them to be utterly incapable of resisting, was dangerous and destructive.† Again, whilst to

* "To prohibit a number of indifferent actions, is not to prevent the crimes which they may produce, but to create new ones; it is to change at will the ideas of virtue and vice, which, at other times, we are told are eternal and immutable."—*Marquis Beccaria.—Crimes and Punishments, chap. xli.*

† It may be said, that in the moral government of the world men are continually exposed to temptation which they have not strength to withstand. We cannot, however, suppose that the sovereignty of the Almighty can properly be imitated by man in this respect; since, whilst God permits the temptation, He can offer the power which shall enable to overcome it; but when by any human authority an offender is exposed to temptation, the same party which subjects to danger cannot offer the strength which might protect.

have inflicted punishment for every offence would have been severe, if not cruel, yet impunity encouraged its repetition,* and taught the transgressor that he might violate a law, and still expect to escape the penalty it threatened.

—“ We bid this be done,
“ When evil deeds have their permissive pass,
“ And not the punishment.”

These objections, I may here observe, apply to the Silent System, or, as it is commonly distinguished, the Auburn System, generally. Wherever silence is enjoined upon associated criminals, whether in workshops or in wards, the attempt to make any such imprisonment corrective, fails. Long has the system been tried in America, and with how little success, we may learn from the Report of 1846 of the Society for visiting the Prisons of New York, the members of which, notwithstanding prejudices in favour of the Auburn System, became so convinced of its defects, that they say—“ Every attempt to prevent intercourse amongst prisoners associated, and to impose upon them absolute silence, is in opposition to one of the strongest principles of our nature, and is, in fact, impracticable. Experience has demonstrated that it is impossible to enforce and preserve absolute silence in society ; and the

* “ Quotusquisque reperitur, qui impunitate proposita abstinere possit injuriis ? Impunitas est maxima peccandi illecebra.—*Cicero—Pro Milone.*

certain effect of the law of silence is to encourage hypocrisy, and to teach fraud, evils for which the criminals are imprisoned. Thus their confinement is a school, not for teaching obedience to the law, but for learning tricks and plans for evading and violating it.*

In a building so extensive as the prison I am describing it will be supposed that some classification of the criminals would be effected. This object, at first sight so desirable, was for several years regarded as much as possible. Prisoners according to age, and other circumstances, occupied their several wards. But the plan of the building was so defective that communication between the inmates of the different parts was easily maintained, whilst in the infirmary, and other places, no distinction could be preserved. As respects, however, the distribution of prisoners in the various wards, the Inspectors of Prisons state, "So far as any good can be effected by classification, the plan pursued at Reading is not inferior to any other." Little reflection, I think, may convince that to classify according to any method is but little preferable to unrestrained intercourse. Supposing it to be regulated by the age of offenders, the comparatively innocent will then be associated with those who are beyond all others most mischievous, and most

* The testimony given by others is in exact accordance. See that of M. Feriere, in describing the prisons of Genoa.—See Vol. ii. *And Observations of Mrs. Fry.* Ib.

depraved. I have seen the child of the simple rustic, whom poverty and piercing cold have tempted, perhaps for the first time, to break the fence or steal the fagot, forced into the companionship of others—the offspring of infamy, criminals from their cradles, educated and accomplished in almost every species of vice. An example may show that little good could result from such an arrangement. During the last year this prison remained, a boy twelve years of age was convicted of passing counterfeit coin, and sentenced to twelve months' imprisonment. He was born, and had been brought up, in one of the lowest districts of London, had been a companion of thieves from infancy, and appeared to be fully acquainted with all the arts of deception and roguery. These he felt both pleasure and pride in displaying. He had been previously in Abingdon prison for having, on the race-course, cut out a woman's pocket, and pilfered the contents, a feat which he boasted of having frequently performed. Whilst in prison, this boy had the opportunity of teaching his mal-practices to not less than seventy-seven companions; and I need scarcely add that his knowledge of vice, and cleverness in criminal achievements, caused him to be regarded with more than common admiration, and gave increased effect to his demoralizing lessons.

Again, should it be urged that the classification of prisoners might be according to the nature of the crime committed, yet it must be allowed that the

particular offence could be seldom considered a sure test of character. The perpetrator of the most heinous crimes will also commit many of a comparatively trifling description, and whilst he will take every precaution to conceal the former, his carelessness concerning the latter will often lead to his detection. Often is the house-breaker or the highwayman, whose character was irrecoverably lost, but whose cunning was increased by a lengthened imprisonment with vicious companions, re-committed for a trespass, or some equally slight offence, for which but little punishment can be imposed. Or should it further be suggested, that the re-committed should form a class distinct from culprits against whom no previous offence was proved, yet as little security against contamination would by such means be obtained. The hardened victim of evil intercourse, who, on his discharge from custody, had sought by some atrocious crime to secure the means of self-indulgence and excess, might, according to such arrangement, be placed with the pitiable object of destitution, who, when liberated, would not steal, yet could not starve, and therefore again violated the law and incurred its further penalty by venturing to beg. On the other hand, as respects those committed on the presumed first offence, there can be little certainty that such is really the case. Of course on such a question no dependence could be placed on the statements of prisoners themselves, whilst to act on suspicion would be neither safe nor

just. The most accomplished criminals are generally the most plausible. Much experience may enable to judge of character to some extent. But though discernment may guard against deceit, it cannot force confession, and often therefore will previous offences be undiscovered. A remarkable proof of this came under my own observation not many years since. A man was committed on a charge of felony. I suspected that he had been before convicted, but as no proof of this was given, he was associated with culprits committed for first offences. After an imprisonment of some months, he showed pleasing signs of repentance ; one of which was the frank acknowledgment of guilt. He confessed that forty years had been spent in the continued repetition of crimes. Without enumerating less offences, he had five times been guilty of house-breaking, and yet more frequently of highway robbery. He had been many times in prison—once condemned to be hanged—and had but a short time returned after transportation. He had since resorted to his former vices, and had very recently been discharged from prison.

Surely these cases support the following observations of writers, who corroborate the opinions expressed :—

“ If the object be the honest and legitimate one to prevent the contamination arising from the association of prisoners,” there has been ample and sad proof that no less complete mode of classification is available than the individual separa-

tion of prisoners, authorised by the 2nd and 3rd Vic., c. 56. If it be an evil to keep prisoners apart, whatever may be said of the dilemma by the hasty or the unreflecting, it is the least of two evils which are to be chosen between—separation or association. All attempts at classification have failed, and ever must fail. Put “untried” prisoners together in subdivisions numerous as the nomenclature of crime, and disappointed hope will still be the result. Let felons, poachers, misdemeanants, of what grades you will, “keep themselves to themselves,” and what then? Who can say that any of these persons, respectively, happen to have been committed for his only, or for his worst offence? Who knows but that the poacher, “for as simple as he stands,” may confide to his ward companions, among other exciting exploits, past or intended, the hint that if he had not unluckily been caught in his last moonlight excursion, a neighbour might have missed a sheep out of his flock, or found his rick on fire the next dark night. An eligible companion and instructor this, for some who may perhaps have set a snare for the first time to pay off a beer-house score. The broad truth is, that only He who made the heart can read it. No Visiting Justice, however anxious, can ever feel himself on safe ground in classing prisoners. Out of 185 prisoners committed to Reading Gaol during the quarter ending at Michaelmas last, the Chaplain of that gaol reported that 98 were old offenders. Were these, or any portion of these, fit companions for others, or among themselves? There could hardly, to my conception, be a more thoughtless though real act of cruelty, than forcing *any* prisoner to mix with such associates.—*W. Merry, Esq.—Reply to Sir R. Vyvian, Bart.*

“Can it really be imagined, that certain decided categories can be arranged, to which degrees of moral debasement and criminality, supposed to be equal, could be fitted? Are not these as numerous, as varying as the individuality of the human soul? * * * But let us even admit, that a

peculiar kind of scale has been found, by which the inward viciousness of man could be so precisely graduated, that each class might be composed of offenders who were exactly alike in crime; what should we have gained by it? It cannot surely be seriously asserted, that the improvement of the fallen being, fallen generally in consequence of evil example and bad advice, has been attended to, by placing him in daily contact with others equally vicious, equally criminal. This mutual effect of feelings and impressions, where the evil will always retain the superiority; these relations of exciting adventures, of successfully accomplished robberies, or cleverly calculated thefts, with which the long wearisome prison-hours are dissipated, will they not still more increase the corruption, and by degrees carry vice to the utmost degree of enormity? But, it is answered, a negative advantage is at least gained, namely—that the prisoner has not had an opportunity of learning other crimes than those he himself had committed, and thus had not at least become worse. This gain is only imaginary, for in the same proportion as demoralisation increases, in the same degree are the limits of crime extended; and what had society gained by each separate kind of vice and crime being, as it were in corporations, both developed and studied in the so-called houses of correction."—*King of Sweden—Punishments and Prisons*, p. p. 32, 33.

Few men have investigated the subject of prison discipline with more persevering industry and talent than M. M. de Beaumont, and De Tocqueville. With the former I have conversed much on the subject, and was astonished, as well as pleased, with the extent of his information. In their work on the Penitentiary System in the United States, they say, "The impossibility of arranging a correct classification of the guilty, is proved with such mathematical

overlooked, and rather encouraged than prevented vice. So vain was the endeavour to preserve order by such means that after the trial of a few years it was altogether discontinued. Oaths, cursing, swearing, blasphemies, obscenity, and the cant phrases of criminals, were the current language of the ward. Bibles, prayer books, and other books were provided, but generally despised, and frequently destroyed,* and if any attempted to read or seek instruction he became the object of ridicule and scorn, and almost every effort was defeated.† All games of chance

* The same evils prevail in other prisons where association is permitted. For instance, it is stated to have been the case at Newgate, in the evidence given before the Parliamentary Committee on the state of prisons.—“There are religious books in the wards of Newgate; do you think the majority of the prisoners read the books? No, I do not.—Do they not damage them, and write in them, and otherwise deface them? Yes, they do; in fact, we have not let prayer books or bibles go into the middle yard; lately I have taken one out of the yard, which was nearly torn up; I shewed it to Mr. Cotton on Sunday last; he desired me to lock it up, and take care of it, in case it should be called for.—Do you think that the discipline of a prison is good, where it appears by evidence that the chaplain is obliged to order the religious books to be taken out of the wards, because the prisoners deface them? I think it is very bad, but I do not think there is *a prisoner there who has the least inclination to read*; they pretend to read when a person is watching them, but when the person is gone, there is an end of their reading.—*First Report of Inspectors of Prisons*, p. 459.

† I encouraged the prisoners to learn short portions of Holy Scripture, which they sometimes did; but often assured

were strictly forbidden, yet dice were frequently discovered ; cards were formed,* and other means of gambling contrived. Money of course could not be deposited, but in its absence rations of food were forfeited and debts contracted. The malice and other evil passions which prevailed, the pilfering of each other's provisions, the quarrels and consequent fighting, rendered the several wards rather like dens of savage beasts than any habitation of civilized man. So great indeed was the disorder, and such the threatening violence of their inmates, that the turnkeys often were afraid to enter, or even unlock the doors.

Nor were the horrid vices of this pandemonium confined to the places of intercourse by day. Prisoners at night were crowded together in a manner perilous to both body and soul. So polluted was the atmosphere of the sleeping-rooms, that the turnkeys on unlocking in the morning were accustomed to rush aside with the utmost speed to escape the stench which issued from them. Revolting as was a place in this respect so foul, yet still more shocking was the moral defilement there produced. To

me that it could not be done in the wards, where any attempt to read only brought them into trouble. They learnt during intervals of rest in the house of the tread-wheel.

* I have now in my possession several cards of a pack formed of the covers of tracts, &c., the red and black figures of which are very curiously and distinctly marked, one with a solution of brick-dust, the other with soot.

bow the knee in the mockery of prayer, to blaspheme for amusement, were practices not uncommon—to “get up a fight” was a most favourite sport, and offences of a character not to be described were frequent.

In confirmation of the foregoing statements, I insert some extracts from the evidence given by prisoners themselves to the Inspectors of Prisons, in 1837.

“ S. C.—I belong to the convicted felons' class, No. 10, but am now nurse in the infirmary. I was committed 18th July, 1835. The prisoners talk together in the infirmaries, and also in the bed-rooms and in the wards. I have slept with seven or eight prisoners in a room in one of the felons' wards. The conversation of prisoners is generally bad ; it relates to their exploits out of prison, how they performed them, &c. ; and they boast of these things. No doubt a man might learn every mode of committing crime ; they learn of each other the cant language, and are proud of shewing their knowledge of it. There are words for highway robberies, for picking pockets, for house-breaking, &c. Most of the prisoners are anxious to learn this kind of knowledge : there are names for almost everything. I suppose the prisoners must get worse by this kind of conversation, which takes place I know throughout the prison. It happens most at night. A well-disposed man cannot here separate himself from others : they would annoy him and laugh at him. I have been on the wheel, and they talk frequently in a low voice there : but they are seldom found out if they don't turn their heads. They can watch the turnkey as much as he can watch them. They cheat the doctor, and afterwards laugh about it. When I was in class No. 10, there was much stealing amongst the prisoners of provisions, handkerchiefs, braces, &c.

“ G. W.—I belong to the convicted felons' class, No. 13. I was committed to this prison 3rd February last. I have been in prison six times before. I have slept in the misdemeanants' and in the felons' rooms. I think the felons are worst in their discourse; but each class used to talk: they talked about their different modes of committing crime; and how they used to do it; and the best ways. A man might learn a good deal more here than he could learn out of prison; they used to learn the cant words, and repeated them to each other as boys use a spelling-book; they regularly learned it one from another. I believe there were words for every offence; words signifying the different modes of breaking houses and committing highway robberies were taught chiefly: it was a regular school to many of them. They stole amongst themselves. Some of them talk entirely among themselves, and others can't understand them. A man disposed to be religious could not enjoy peace or quiet. the swearing and language is so bad. The misdemeanants are nearly as bad in their discourse; but they do not use or understand the cant language, being chiefly poachers. The talk was generally in the bed-rooms, but sometimes in the ward.”

“ W. L.—I belong to the convicted felons' class, No. 13, I have been three times in prison. There was a row to-day about some bread stolen. They talk about what they did before they came here, and what they will do again when they get out: one says he means to go on the road again: and others that they will practice house-breaking again, and got money: some that they will try one chance more, and make a little money, and then leave off: they put each other in the way to do these things: some who don't know are eager to learn, and take delight in it: the more they can learn the more they will: a man would learn more here than he could out of the prison; the conversation is scandalous. I hope I repent, and have received some good impressions.

They talk in cant terms, and learn them from each other. It is like a school. They have words for every "mortal thing." A man thinks a good deal of himself, and others think highly of him if he is a clever thief and knows the cant well. They jeer at religion, and make all manner of game of the clergyman. They use a good deal of blasphemy and swearing. They quarrel with each other. I never knew of fighting. Sometimes these conversations take place in the wards, and sometimes in the bed-rooms; mostly in the latter: they leave off, however, about eight or nine at night: they talk about

* * * * * They can, and do talk from cell to cell, when there are prisoners in the cells. I have known prisoners mention particular places which they would rob on getting out of prison; and which way they meant to go about it; and name persons whom they would rob on the highway.

"R. H.—I am in the convicted felons' class, and have been here since September, 1836. The conversation of prisoners is very bad: they talk of their different crimes, and the best ways of committing crimes; how to break into a house, to rob on the highway, and to pick pockets; but they talk least about picking pockets. I have heard them say that the easiest mode was to rob a man on horseback; that it was easier to pull him off than to attack him on foot: and some, that they would not misuse a man; and others have said they would act as might become necessary. Some have a language of their own: I can't understand half of what they say. They think a man very clever if he knows the language. Some learn it. They practise it sometimes. Some can learn it better than others. A good many of them laugh at the parson, and most of them make a jeer of religion. Many learn to become worse. I have heard a good many make fun and boast of having deceived the doctor to get off the wheel: they pretend all sorts of complaints; that they have colds, or are giddy, &c.

"G. S.—I belong to class No. 2, but am now in the infirmary. I have been here about five months, under a charge of having committed a rape. The prisoners used to boast of the profits of poaching. I have heard many say that they had made 1*l.* of a night. I could not understand their language; I don't mean the poachers, they used to talk amongst themselves: I mean the travellers; they kept aloof. There was a boy in the ward for horse-stealing, and he told me he had stolen three horses in one month; that it was a very profitable business. The travellers would talk to the boy, whose name was Jeffs, but they did not talk with me. Jeffs could understand them; but he could not learn from them more than he knew before."

"F.B.—I am in the convicted misdemeanants' ward, and have been there about nine months. I have been here before. I have known a person committed to this prison as a misdemeanant who had previously been here for felony; his name was John Herbert; he had been here three times before. They are generally poachers in my ward. The discourse is very often bad. There is a good deal of swearing. One may learn the best ways to poach. We don't speak the cant language: "we use plain English." Our ward is very honest; we don't steal bread; but a man would become a better poacher: he would know how to set snares. Some say they will poach again; and some that they will turn over a new leaf. They brag about it."

C.C.—I am in the convicted misdemeanants' ward, and have been in custody since 18th January last, for poaching. I have been here once before. The prisoners talk together after they get to bed at night: they talk about the best methods of poaching; how to catch hares and pheasants, and so forth. I think a man might learn to become a good poacher in the prison, if even he knew nothing of it before. Some of the prisoners laugh at the parson, and say they don't want to hear any more of his noise, and that they don't like his bother. If

a man were to try to be serious, they would keep running on, and swear, and sing, and make a noise to disturb and plague him. Few care about being wardsmen, and the prisoners don't care for or fear the wardsmen in our class. He has never reported one since I have been in it. He ought to do it sometimes. Generally the language is very bad. Some say they have never done anything else but poach, and never will. They call it a profitable business. I have heard one of our men say he has often made 15 shillings of the game which he had caught in the course of two or three hours in a single morning."

G.S.—I am in the convicted felons' class, No. 10, and have been in custody about nine months : I was in class No. 2, with the untried felons about ten weeks. In class No. 10, where I now am, there are sometimes 21 or 22 prisoners ; and as many as eight sleep in one room. In class No. 10, the felons talk what they have done out of prison, what offences they committed, &c. I have heard them talk about different instruments which they used in committing such offences. The prisoners in class No. 10, are almost all "travellers :" I mean they are men who perform crimes in different counties, and travel from county to county to avoid being found out. They have acknowledged that they have attended fairs to watch men who they expected would receive money ; and that they have waylaid them and robbed them. I have heard them say which is the best way of attacking a man on horseback. They boasted of these doings, and sometimes spoke in cant language, which I could not understand ; but often they spoke in plain English. The other prisoners used to practise the cant, but found it difficult to learn : a man was considered clever who understood it. When I was in the untried class, No. 12, I have heard prisoners say that if they should be acquitted, they would not go far before they robbed a man : that they would not even spare a poor man if he had money, rather than go without food themselves. Such was the nature of their conversation

almost always. They used to laugh at the parson and religion, and ridicule both him and it : they swore and spoke blasphemous language, particularly so in the trial yard. I never heard such shocking language. They stole from each other. They used to quarrel sometimes, and it was often about who was the best thief, highway robber, or housebreaker, and who knew most about these matters. They often argued until they became angry, and would then fight if they were not afraid of being found out and locked up. Their discourse was bad about women, and they boasted of what they had done, and would do again when they got out of prison."

"C.H., a female convict—I am now in ward No. 6. There is no other prisoner with me. I have been in custody about nine months for an assault. I was in the vagrants' ward three months : there were many others with me there. All sorts of low and obscene language was used by the prisoners, many of whom were women of the worst description, and their conversation was as bad as it could be. I thought it a great misfortune to be mixed with such characters. The prisoners talk most at night. They quarrel and fight dreadfully ; their language is horrible. They ridicule what the chaplain says directly after he turns his back, but cry before him."

"M.A.—I am in the felons' ward No. 9. I have been in prison about five months. We have had all kinds of women in one ward. They use very bad language : they talk a good deal about * * I don't like to mention it. It was as bad as it could be. The beasts of the field could not be more beastly. They quarrel amongst themselves. Their conversation is very injurious to many. They also talk about their thefts, and some would boast of them. They chiefly used to speak at night in bed."

"S.S.—I am in the felons' ward No. 7, under a charge of having stolen fowls. I have been here about three months. There were four other prisoners with me in the ward for about a week. We were very religious that week, but it did not

last long. I am alone in the ward now. I don't know what the prisoners in other wards talk about. Many of the women who have left the prison were accustomed to use the lowest language, such as I am ashamed to mention. It is not fit for any one to hear : it was about their conduct with * * * and what they would do when they got out of prison. A great many of them discoursed after this manner."

M.N.—I am in the convicted felons' ward No 9, and have been in prison about six weeks. There have been five prisoners in that ward together since I have been in it. The discourse has been very bad. ————— is one of the worst. She talks of the life she has led : she has been a prostitute in different places : she makes a brag of it : it would not be fit for me to tell you the particulars of what they say. I think they talk most on going to bed. One mentioned how she picked pockets, and what money she got of a night, sometimes £3 or £4 by robbing gentlemen ; and that two or three girls used to share it. I have known prisoners listen attentively to these stories at first, but they were so constantly repeated that they became tiresome."

The testimony given at the same time with the former, by the principal officers of the gaol, confirm the representations of the prisoners.

" The Surgeon—I believe that all the evils of contamination prevail in this prison, notwithstanding the classification of the prisoners and the observance of silence. It may be owing, in a great measure, to the construction of the prison, and the mixing of the classes in the infirmary, wash-house, &c. But I believe it to be impossible, under any circumstances, to enforce silence so as to prevent contamination, which must be ruinous in its consequences, especially to young persons and children. The prisoners practise every kind of deception to get into the infirmaries. I have known 20 muster at a time

under pretence of being sick, and I have sent back 18 to the wheel because there was nothing the matter with them. They do not complain on meat days until after dinner. They chalk their tongue, tatoo their arms and breasts, complain of old sores and hurts, and use every possible deception to obtain their ends. I cannot think this a favourable state of mind for the purposes of moral reformation. *I have known of no single instance of a seriously or religiously disposed prisoner since I have been here; I have been here 40 years.* A serious prisoner could not separate himself from the others; and he could not of course enjoy his reflections during his intercourse with them. This prison is better conducted now than it ever has been in my time.

“ The Chaplain.—I believe that the silent system, when most strictly enforced, can only produce an appearance of order, and operate as a check upon the intercourse of prisoners, without materially lessening the evils of contamination. The opportunities of communication here, owing to the construction, are complete throughout the prison; and I believe the contamination is very great. Prisoners on their discharge (whose communications I think deserved some credit) have admitted to me that they have heard worse language in this gaol than they could have conceived; that the tricks and wickedness which they had seen had opened their eyes; and that any person, by being here, might know how to proceed in the commission of various crimes: that poachers especially would become more expert. I know an instance of a female who had been committed to this prison for uttering base coin, who took down the names and address of many of the female prisoners, for the purpose of forming a connexion on her discharge; and I know that she went to the family of one of the prisoners; no doubt for this purpose, viz., for forming a connexion for carrying on her traffic more successfully. I knew an instance (and I believe there are many such,) of an apparently modest woman having made

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up her mind, through her association in prison, to lead a dissolute life. The females here are most abandoned :* the mixing of the classes produces great demoralization, especially amongst the younger prisoners and children. From time to time I have known some respectable women. I have observed the progress of contamination on their minds. I have known some come in with feelings of contrition, go out hardened, and I believe contaminated. There are many prostitutes among them. I do not think the labour of the tread-wheel a desirable mode of punishment. I know it to be most vexatious to prisoners. They think it useless and degrading. It affords great scope for deception, which is here practised in a variety of ways. It produces generally a state of mind unfavourable to religious impressions. I am a most decided advocate for separation ; which I believe is the only mode of imprisonment calculated to prevent contamination, and to deter from the commission of crime ; and I believe it to be the most favourable for producing reformation."

" The Governor.—It cannot properly be said that the separate system, in any mode, or to any extent, is enforced in this prison. The worst classes are kept separate at night so far as the prison will admit of it ; but there are only 13 cells in the gaol, 12 in the house of correction, 2 of which are used as workshops, and 8 in the juvenile prison. The worst classes in the gaol and house of correction are placed in the cells merely for safe custody. The silent system is enforced with the convicted male classes only. The female prisoners of all classes, and the untried male prisoners of all classes, are permitted to associate and to converse freely, provided they are

* Mrs. Fry describes the condition of Newgate, in 1818, as similar :—
" Almost every day we were witnesses to the dreadful proceedings that went forward on the female side of the prison ; the begging, gaming, swearing, fighting, singing, dancing, dressing in men's clothes, the scenes are too bad to be described, so that we did not think it suitable to admit young persons with us."—*Mrs. Fry's Life*, vol. i. p. 261.

quiet and orderly. The silent system is enforced with the convicted male classes at all times, viz. during labour and meals, by day and night. It is not, however, observed in the infirmaries, where all classes mix. There is much intercourse kept up between the convicted male prisoners, although they are subject to the most rigorous part of the discipline ; they converse on the wheel, at their meals, in their day-rooms and bed-rooms, from cell to cell, from room to room, and from gallery to gallery, by words, by signs, and in various other modes. They watch all opportunities for talking. The wardsmen cannot be trusted, especially when they have no privileges, either in the way of extra allowance of food, or exemption from labour, which is the case here. This fact is obvious, from the great number of punishments which I inflicted during the last year, not one of the offences for which those punishments were inflicted was reported by a wardman. They are influenced by bribes and by threats, and are naturally prone to favour the prisoners, even at considerable risk to themselves. And therefore, even with respect to the silent system, taking all these facts into consideration, as well as the defective construction of the prison, which admits of so much intercourse between prisoners, and the few officers which I command, it can scarcely be said that it is enforced even with the convicted classes. It is wholly impossible to enforce silence. It is a system which produces but few, if any good results ; it generates many evils ; and in this prison, at least, it does not prevent contamination. No doubt the most free and complete communication takes place between all classes. We have not great opportunities of overhearing their conversation, there being no means of inspection and no night-watch. Nevertheless, my knowledge and experience of the conduct of the prisoners is such, that I feel perfectly assured they relate and boast of their exploits, and that they instruct each other in the different modes of committing crime. They become more hardened and corrupted by the associations of the prison ; and there can be no question that

young and inexperienced offenders not only become hardened, but acquire a sort of scientific knowledge of crime, and probably more practical expertness for the commission of it.* These facts, in some measure at least, are manifested from the number of re-commitments to this prison compared with the commitments for first offences. The re-commitments are 25 per cent. upon the yearly average number of prisoners ; and many of the re-committed prisoners have been here four or five times, and most of them twice or thrice before. We once had a prisoner named Edward Grenit, of Reading, of the age of 18 years, who had been re-committed to this prison and the borough bridewell at Reading 25 times ; and had been frequently convicted, whipped, &c., and at length was transported from this gaol for robbery. It may be worth mentioning that, being only 18 years of age when transported, he must, during the greater number of times that he was confined in this prison, have been placed among the boys in the juvenile ward, where all males under the age of 17 are confined. I think the silent system extremely complicated and difficult. It requires great vigilance, and is most irksome to the officers. Here it is impossible to enforce it effectually ; it

* Who can read such evidence without being reminded of the admonitory lines of Scott—

“ But he whose humours spurn law’s awful yoke,
Must herd with those by whom law’s bonds are broke,
The common dread of justice soon allies
The clown, who robs the warren, or excise,
With sterner felons train’d to act more dread,
Even with the wretch by whom his fellow bled.
Then, as in plagues, the foul contagions pass,
Leavening and festering the corrupted mass ;—
Guilt leagues with guilt, while mutual motives draw,
Their hope impunity, their fear the law ;
Their foes, their friends, their rendezvous the same,
Till the revenue baulk’d, or pilfer’d game,
Flesh the young culprit, and example leads
To darker villainy, and direr deeds.”—*The Poacher.*

would require a greater number of turnkeys: our prisoners are at all times distributed over, never less, and sometimes even more, than 18 different parts of the prison, exclusively of those who may be in separate cells. And with regard to monitors or wardsmen, I object to any system which recognizes the appointment of prisoners to offices of trust or authority. Wherever wardsmen are employed it leads to favouritism and oppression, as well as to discontent amongst the prisoners, who will not readily submit to reproof from their equals."

[Additional evidence is given in the Report for 1845. *See* vol. iii.]

It would not be a difficult, although a painful task, to enumerate many instances of the pernicious effects of such association. In the report annexed, I have referred to some, and the testimony given by those who have most observed the result of criminal intercourse in prisons has been unanimous. It is always and everywhere the same. Horrible indeed is the foregoing evidence. But should we pursue the enquiry, vices, of which one is even ashamed to speak, would be found to prevail in every nation in which criminal intercourse is permitted. The convicts in our colonies, and the associated culprits of every country, alike proclaim the pernicious results of such a practice. In a letter written by the Bishop of Tasmania (Nov., 1847), his Lordship observes—“ Of the system of prison discipline that has, of late years, been adopted, I need say no more than that, under it, a degree of wickedness has sprung up

amongst the convict gangs, unexampled, I believe, in the annals of the Christian world, and such as can only be described in the simple, yet awful language, in which the great Apostle of the Gentiles portrays the profligacy of the heathen nations." And we quote the following from the work of M. M. de Beaumont and de Tocqueville :—" C'est une triste vérité que la plupart des condamnés ne se réforment point pendant leur détention, mais au contraire s'endurcissent dans leur méchanceté, et sont, après leur libération, plus vicieux et plus consommés dans le crime qu'ils ne l'étaient auparavant."*

" Comment la réforme morale des prisonniers pourrait-elle naître au milieu de cet assemblage de tous les crimes, de tous les vices, et de tous les turpitudes ? Le condamné qui arrive dans la prison à moitié dépravé en sort avec une corruption complète, et on peut dire qu'au sein de tant d'infamie il lui serait impossible de ne pas devenir méchant."†

The observations of Sir Peter Laurie, to the Parliamentary Committee, may represent the opinion generally expressed :—" I asked the gaolers this morning if they ever saw a thief reformed, and they said they had not ; and I have never seen one." The mass of evidence published on the state of prisons tends fully to establish the assertion of the Inspectors :—" Wherever there is association in pri-

* Du Systeme Penitentiaire—Prem. Part., Ch. i.

† Id. Deux. Part. Ch. i.

sons, there must be demoralizing consequences."* To dispute such a truth would betray ignorance of human nature rarely met with.† The declaration of St. Paul, that "evil communications corrupt good manners,"—so plainly written for our admonition,—was a truth too evident for even heathens to doubt. The passage itself is a quotation from a heathen writer (Menander), and one of precisely similar import is found in another poet:—

Ἐν παντὶ πράγῃ δ' εσδ' οὐδὲνας κακοῖς
Κακοὺς οὐδέν, καρπὸς οὐ κομιστεος;‡

Æschylus, Sept. cont. Theb. 595, 596.

Surely such assertions charge us with want of wis-

* "In this case it is plain, that imprisonment, instead of preventing crime *increases* it. Among those who are convicted there are many very different degrees of guilt; but, where all mix together, those who are the worst are always found to teach their dreadful experience to the rest, and thus the quantity of wickedness, instead of being lessened, is increased."—*Bishop Davys.*

† Mrs. Fry tells us concerning Newgate, in 1816, that "she found, she believes, all the women playing at cards, or reading improper books, or begging at the gratings, or fighting for the division of the money thus obtained, or engaged in the mysteries of fortune telling. * * * Those who were idle were confirmed in idleness, and those who were disposed to be industrious lost their good habits. In short, they went there to have the work of corruption completed; and subsequent examination has discovered to me the cases of many, who had come to Newgate almost innocent, and who had left it depraved and profligate in the last degree."

‡ Scan the wide world, and nothing worse is found
Than vicious converse, whence our crimes abound.

dom in not discerning, or with guilt in neglecting so important a truth, which, as it bears upon penal legislation, ought to have the force of a precept. No station of life, instruction, or wise resolutions, can be expected to prevail against the assimilating influence of prison society, or to secure individuals against its corrupting effects. The temptations to evil are too strong to be resisted, and any endeavour to withstand them excites such malevolence and persecution as would endanger the principles of the most stedfast, but must overcome the weak, though perhaps half-penitent offender. Surely, then, compassion towards criminals themselves, and sympathy with those who are the innocent, but severe, sufferers through their guilt, should induce the rejection of a system so perilous, and so painful in its effects. I may illustrate these remarks with a narrative given by Sir T. F. Buxton. The person referred to fell indeed from a station superior to that of most delinquents, but was certainly not less capable of resisting on that account ; and although some of the evils described have been corrected, yet the worst and most destructive still remain wherever criminal intercourse in prisons is now permitted :—

“ I could, if delicacy would allow me, mention the name of a person who practised in the law, and who was connected by marriage with some very respectable families. He, for a fraud, was committed to Clerkenwell prison, and sent from thence to Newgate, in a coach, handcuffed to a noted house-breaker, who was afterwards cast for death. The first

night, and the subsequent fortnight, he slept in the same bed with a highwayman on one side, and a man charged with murder on the other. During that period, and long after, spirits were freely introduced. At first he abstained from them, but he soon found that either he must adopt the manners of his companions, or his life would be in danger. They already viewed him with some suspicion, as one of whom they knew nothing. He was, in consequence, put out of the protection of their internal law. Their code is a subject of some curiosity. When any prisoner commits an offence against the community, or against an individual, he is tried. Some one, generally the oldest and most dexterous thief, is appointed judge; a towel tied in knots is hung on each side of his head, in imitation of a wig. He takes his seat, if he can find one, with all form and decorum; and to call him any thing but 'my Lord,' is a high misdemeanour. A jury is then appointed, and regularly sworn, and the culprit is brought up. Unhappily, justice is not administered with quite the same integrity within the prison as without it. The most trifling bribe to the judge will secure an acquittal, but the neglect of this formality is a sure prelude to condemnation. The punishments are various; standing in the pillory is the heaviest. The criminal's head is placed between the legs of a chair, and his arms stretched out are attached to it, he then carries about this machine; but any punishment, however heinous the offence, might be commuted into a fine, to be spent in gin, for the use of the judge and jury. This mode of trial was the source of continual persecution to ———. Hardly a day passed without an accusation against him, for moving something which ought not to be touched, or leaving a door open, or coughing maliciously, to the disturbance of his companions. The evidence was always clear, to the satisfaction of the jury; and the judge was incessant in his efforts to reform him, by inflicting the highest punishments. In short, *self-preservation rendered it necessary for him to adopt the manners of his associates*; by

insensible degrees he began to lose his repugnance to their society; caught their flash terms, and sung their songs, was admitted to their revels, and acquired, in place of habits of perfect sobriety, a taste for spirits; and a taste so strong and so rooted, that even now he finds it difficult to resist the cravings of his diseased thirst for stimulants. I conceive I cannot better illustrate the situation of Mr. ——, than by a letter I received from his wife. Considerable suspicion must attach to the declaration of every person, however reputable his present conduct may be, who has been himself convicted of crime: I have, therefore, thought it right to suppress every part of his information which is not confirmed by other and creditable testimony. The artless statement of his wife, who has throughout conducted herself with unimpeachable propriety, and who laboured with her own hands to support her husband when in confinement, will hardly be rejected.

“ SIR,—I cannot attempt to state to you the sufferings I have undergone from the first period of my husband’s prosecution to his final release. Passing over my having to attend him for near a month at the Clerkenwell Prison, previous to his removal to Newgate for trial; where, on my first visit to him, I found he had been so removed, handcuffed to a notorious offender; now become an inmate in the same ward with several others of the most dreadful sort, whose language and manners, whose female associates of the most abandoned description, and the scenes consequent with such lost wretches prevented me from going inside but seldom, and I used to communicate with him through the bars from the passage; but on my going one morning, I found he was ill and unable to come down. Anxious to see him, I went to the ward, and there he lay, pale as death, very ill, and in a dreadful dirty state, the wretches making game of him, and enjoying my distress; and I learned he had been up with the others the whole night. Though they could not force him to gamble,

he was compelled to drink; and I was afterwards obliged to let him have eight shillings to pay his share, otherwise he would have been stripped of his clothes. I was the more shocked, as knowing Mr.——'s firm mind and sober habits up to this moment. I dreaded the consequences of such a relaxation, and of such examples. I saw his health declining; I saw the destructive effects upon him of such association; I found he was compelled to do as they did, and to think as they thought; for on his once attempting to remonstrate with them, his life was threatened, and he was afraid, when he went to bed, to go to sleep. Having this relation from him, and seeing him daily getting worse; knowing his former strict principles and steady habits, I felt every thing a wife could feel for a virtuous man and an affectionate husband, forced into such society; and his irretrievable ruin, even in this respect, presented itself to my view."—*Sir T. F. Buxton—Prison Discipline*, p.p. 52, 56.

I feel that the following observations, by the author of the above narrative, are so well founded and just, that they may form an appropriate conclusion to the present chapter:—

"It is remarked by Mr. Locke—'Of all the men we meet with, nine parts in ten are what they are, good or evil, useful or not, by their education.' Let us pause for a moment and consider what education we bestow upon those whom we place under the tuition of a jailer. It is an observation which every man who marks what passes before his eyes must have made, that the human mind arrives at enormity in guilt by a slow and gradual advance.

Nemo repente fuit turpissimus.

Vice is a monster of such hideous mien,
As to be hated needs but to be seen;
Yet seen too oft, familiar with her face,
We first endure, then pity, then embrace—

are the results of ancient and modern experience.

" Let us suppose, then, a youth in the commencement of his career of crime ; so far guilty as to have incurred the milder visitations of the law, but yet not entirely lost to a sense of virtue, and the possibilities of reformation. Let us imagine him spending his days with the vicious, and his nights with the diseased ; receiving from the first, that instruction which may fit him for the perpetration of crime, and imbibing from the second, the seeds of that debility which will unfit him for every thing else. In this state of mind and body, at the expiration of his term of confinement, you throw him at once upon the town, without a shilling in his pocket, his next meal depending upon the dexterous application of those lessons of fraud, which have been his only recent acquirement. He must starve, or he must rob ; you have taken from him the means of honest labour, but you have initiated him into other and more gainful arts. He came to your prison a misdemeanant ; you send him from its walls a criminal—wasted in strength, polluted in principles, and ruined in character. All respectable men reject him, because they know that to have been in your prison is to be corrupted. He is compelled by the cravings of nature, to take refuge amongst the hordes of thieves ; they receive him with open arms, supply his immediate necessities, and advance him money on account to be repaid by the product of his future depredations. They laugh away his scruples, if the society in which you had placed him had left him any, and soon furnish him with an opportunity of displaying his gratitude, his courage, and his proficiency. His is then a rapid career ; he soon knows every haunt of vice, and is known by the fraternity of thieves as a willing labourer in any branch of their calling. At length he stands at the bar, convicted of some act of desperate enormity ; the dreadful sentence of the law is passed upon him, and all hopes of mercy are forbidden. The judge, the magistrates, the jury, the spectators, are shocked at such an in-

stance of youthful depravity, while their hearts whisper, 'Thank God, I am not as this robber.' But if he who sows the seed contributes to the production of the harvest, they may find other subjects of astonishment than his guilt, and *accomplices where they least expect them.* Let them look to the cause, and they will discover in this monster of crime—a wretched, pitiable victim of the careless indifference of the public. I do not hesitate to say, his blood is upon us all: upon the magistrates, who do not provide suitable places of confinement; upon us, the public at large; for if we did but feel a lively desire to avert and to prevent those terrible scenes of villainy and vice; if a general feeling were excited and loudly expressed throughout the country, our prisons might be made schools of reformation."—*Sir T. F. Buxton—Prison Discipline, pp. 56-58.*

I felt some regret that in a recent notice of the former edition of this work in the Quarterly Review, the very able writer, in that most influential periodical, should have mistaken the foregoing narrative of Sir T. F. Buxton for an occurrence of more recent date which had come under my own observation, because I trusted that the authorities of that gaol, advised and entreated as they have long been by the pious Ordinary, had recently adopted means which should prevent the recurrence of similar contamination and consequent ruin. But, alas! how little to this end has been accomplished, we learn from the last Report of the Ordinary; who, describing "the prevailing motives that contribute to make a thief, and then to make him incorrigible," observes of the prisoners in Newgate:—"Another of their vices is talking about the robberies they

have committed, and their escapes from the police ; and a very dangerous one it is. It encourages many a youth to persevere in stealing, who otherwise would be corrected by imprisonment. No person can have the least idea of what the life of a thief is, unless he can get at the conversation of a transport ward. The things detected and brought to light by the police, are mere bagatelles to the exploits of these dexterous youths. A regular known thief, *now with us*, has *boasted* that he got in one night only, on one of the bridges in London, forty-seven pocket handkerchiefs. All this ruinous conversation ought to be stopped. It is pernicious and destructive in the highest degree, and all parties who have made thieving their living, ought, on this ground only, *to be kept alone*.—*Rep. Mich. 1847, p. 20.*

CHAPTER III.

EFFORTS TO OBTAIN A NEW PRISON.—PREVAILING VICES EXPOSED.—TESTIMONY OF M. SURINGAR.—CAPITAL OFFENCES PLANNED IN PRISONS.—COMMITTEE ON CHAPLAIN'S REPORT.—NEW GAOL PROPOSED AND CONSTRUCTED.—EXAMPLE COMMENDED IN LAW REVIEW.

HAVING been called, I trust by the good Providence of God, to take the Chaplaincy of the County Gaol, at Reading, in 1840, I was not altogether ignorant of the duties which devolved on me, or of the difficulties attending their performance. I had gained some knowledge of these by frequently officiating in another large County Prison. There too I had seen many of the sad and soul-destroying effects of the association of criminals. But it was not until increased responsibility compelled me to investigate more particularly the character of prisoners, and more carefully to watch their conduct, that I became at all acquainted with the extent of depravity and demoralization which their vicious intercourse produced, and how improbable it was that whilst such intercourse was permitted, any preventive to those evils could be successfully applied. I soon, however, discovered that hopeless were all efforts to reclaim the vicious when the public ordinances of religion were treated with ridicule and

contempt, and private admonitions and instruction, whatever might be the momentary impression, were equally disregarded and despised—when, therefore, the means of grace, instead of subduing the obduracy, sanctifying the heart, and reforming the character of the prisoner, appeared but to harden the more, because abused, or to increase guilt, because neglected. Reason and Divine Revelation might lead us to anticipate such as the natural and necessary results of “evil communications,” and often may the friend of humanity, and especially the christian minister, grieve when reflecting upon the degeneracy thus occasioned. But it is the daily evidence and the teaching of experience, which enforces the truth in a manner tending most to discourage and distress. I can truly sympathize with every brother and fellow-labourer, who, holding the chaplaincy of a prison where criminal association is permitted, has indeed a sphere of duty most unpromising and painful, and which he must often be tempted to abandon. This, however, the faithful servant who believes God to have directed him, feels he dare not do ; and, though perplexed, he must not despair. Whilst therefore I express sympathy, I would desire to excite hope, and heartily shall I rejoice if, even at the risk of making myself too prominent, a statement of the course pursued, when the sacrifice of health, and the motives I have mentioned strongly tempted me to relinquish my present office, and made persuasions to do so difficult to resist, should induce others to

adopt similar means, and through God's help to be alike successful. I believe that the observations of every chaplain to a prison must have convinced him that, humanly speaking, his efforts must be fruitless when vicious intercourse is unchecked, and that he can only expect success in proportion to the restraint put upon such demoralization. Good seed may be sown, but the thorns must choke it. It would then be vain, because opposed to reason, to experience, and the word of God, to attempt to cheer with the hope of reaping good in a field of labour in which means so effectual were provided to prevent such fruit. Prisons themselves must be re-constructed, so that separation may be effected, or vain will be the expectation of improvement.* Feeling confident of this, I resolved on an effort, the result of which has proved it the most important of my life. To have been in any measure the humble instrument of removing a source of vice which poured

* "The adoption of the new criminal law forms, in my opinion, the only means of avoiding the dangerous maze in which there is so much danger of being lost. But how will it be possible to apply its enlightened principles of justice, with any hope of success, if our houses of correction do not receive those improvements which are so highly necessary? To employ punishment by loss of liberty with the retaining of the contagious demoralisation of our prisons, would only extend the scale of this vicious mutual instruction. Hence is consequently seen the whole importance of the penitentiary system, and the necessity of not shunning any sacrifices, in the promotion of its possible introduction."—*King of Sweden—Punishments & Prisons*, p. 151.

forth its pollution, corrupted all within its reach—which spread destruction beyond the regions of time, hastening the victims of its contamination towards eternal misery and death ; and in the place of such impurity to have seen a fount of moral reformation rise—an antidote, I trust, to former evils, where I hope, and have proof, that numbers are partaking of the waters of spiritual and eternal life—truly I reflect on this with delight and gratitude, as an honour of a far higher character than I had any right to anticipate.

It must not, however, be supposed that I presume to take this honour to myself exclusively. On the contrary, often had evils so perilous and conspicuous been represented by Magistrates and by the Inspectors of Prisons, whose influence was great, yet none perhaps could so clearly discern the dangers and vice which prevailed, as one, before whose ministerial labours they were brought to light, and whose especial duty it was to point them out to those having authority and power to correct or remove them. Without magnifying the office beyond warrant, we must, I think, feel that the improvements in prison discipline must ever depend more on the exertions of the Chaplain than on any means beside. Whilst the magistrate, as God's minister of justice, is invested with the authority to attempt the correction of offenders by imprisonment and punishment, it is the minister of His gospel, who is the more immediate agent in accomplishing the end proposed. To

him, therefore, the obstacles to reformation are most apparent, and the means necessary for correction most plain. Impressed with this truth, and feeling the responsibility it involved, I presented a Report to the Court of Quarter Sessions at Michaelmas, 1841, from which I extract one or two passages.

* * * "From the facts I have described (statements similar to those I have already given,) I think it must appear that a statement, made to me by an intelligent youth, committed a few days since for misconduct in his apprenticeship, who appeared penitent and acknowledged the justice of his punishment, too nearly approaches the truth. This prisoner, who was confined in a ward with nine others, expressed himself in these words—'I had been led astray by bad company, or I had not been here, and in that company I had seen and heard much wickedness; but what I have seen and heard here makes me think it is like coming to hell—there is so much wickedness talked of, and so much swearing.'* That

* A very similar statement to the above was made by M. Suringar, at the Frankfort Congress, 1846:—"Let us not forget," said that excellent man, "that one day spent in the promiscuous society of our common prisons is quite sufficient to corrupt the heart of the young. I knew a woman, who, when she had been in prison one week with other women, prisoners like herself, declared to me that she had then experienced all the iniquities of hell. She had never before seen nor heard of so much that was abominable. It is from this hell upon earth that we must be most careful to preserve the young culprits, and the little delinquents."

See also Appendix to Report, Mich. 1845, vol. ii.

these assertions are not without foundation, may be inferred from circumstances which have come under my own observation. I have repeatedly discovered, that in the prison less experienced offenders have received instruction as to the commission of future crimes with greater hope of eluding punishment ;— that infidel principles have been instilled into the minds of youths whose creed on their admission was professedly in accordance with Holy Scripture ;— that very frequently portions of the Bible have been made themes of ridicule and blasphemy ;— that, on one occasion, a plan had been arranged by a female prisoner, who maintains herself by prostitution, to take a girl who was in the same ward with her to her own abode on her discharge. A charge has recently been made of an attempt to commit a crime too horrible to be described. Truly, I lament that in such an establishment as a county gaol opportunities for the perpetration of such, and many similar offences should be afforded ; and I earnestly entreat that measures may speedily be taken to prevent thenceforth the possibility of such occurrences. The fact that ten or twelve male prisoners occupy one small sleeping apartment, is revolting to all feelings of decency, and destructive to morality ; and it must surely be a subject of deep regret that in a county institution such an evil is tolerated.”

* * * * *

“ In concluding this report, let me assure you that no language can fully describe the evils which have

existed, and which must continue, until the gaol shall be reconstructed, so as to admit of what observation and some experience have convinced me is most desirable—a modified system of separate confinement. The pernicious effects of the present plan must be witnessed from day to day or they will scarcely be credited. The number of recommitments and the frequent return of many offenders may almost sufficiently prove that no punishment, and no prison discipline can effectually reclaim the criminal, whilst he is associated with characters most agreeable to his vitiated inclinations ; nor can the provision made for his spiritual improvement be expected to avail, whilst he is compelled to maintain such soul-destroying intercourse. It is with feelings most painful I have continually to deplore that impressions of penitence seemingly produced, and desires and determinations to amend, which I believe are often felt by prisoners, as well as expressed, during the first few days of their confinement, become gradually effaced and forgotten amidst the contaminating influence of companions more vicious than themselves. It has long been my opinion, and the experience of each succeeding day has confirmed it, that by the present regulations and arrangements of the gaol, vice is encouraged rather than corrected, evil habits are produced and perpetuated, indeed so far from improvement being effected in the moral character of the prisoners, they become worse in proportion to the duration of their confinement, and

when released seek opportunity for the perpetration of those crimes, which have sometimes been preconcerted in the prison,* which converse with their

* I have now in my possession the statement of a prisoner respecting himself and another, given when both were lying under sentence of death, shewing that arrangements for committing the offence, on account of which they were about to suffer, were made whilst associated in this prison.

The following statement has been made to me by a man now [Jan. 1846] in gaol awaiting his trial at the approaching assizes:—"I have been thinking since I have been here what a good thing it is that we are kept apart. I have thought a good deal of what happened through a man I knew being sent to Winchester prison for poaching, about twenty years ago; his name was Thomas Pocock; he lived near me at East Woodhay. He was sent to Winchester for three months, and there he got acquainted with two more men. He came back again to East Woodhay, and one day when he was at work with my brother, those two men came to see him. They all three went to the public house, and about nine o'clock at night they left there, and went and broke into the house of a man named Batten, at Highclere. I understood they threatened to murder him, but whilst they were talking to him, his daughter got out of window and called some of the neighbours. They came and met the thieves, and there was a good deal of fighting, and a man shot Pocock, and he died the next day. Another of them, named Knott, was taken and transported for life; and the other, whose name was Biddlecom, was taken afterwards for highway robbery, and hanged at Winchester. The present Lord Bishop of Winchester was the clergyman at Highclere at that time, and he visited Pocock who was shot, and was with him most part of the time till he died. *All that came of*

fellow criminals has made them more inclined to commit without compunction, and from any punishment for which they hope to escape through the increased cunning they have acquired.” * * *

“With truth may it be said concerning what is miscalled the House of Correction at Reading, that the contamination therein promotes the present deterioration of offenders, and tends to ensure their everlasting destruction.” * * * *

I must ever feel thankful that such a representation was favourably received, and that measures were immediately taken to remedy the evils complained of. A committee formed of twenty-two magistrates was appointed by the court “to take into consideration the recommendations of the chaplain.” A searching inquiry was accordingly instituted into the defects which had been described, and the propriety of following out the suggestions

putting men together in prison, and it stands by reason that a great deal of what is bad must come of it.”

In a letter I have received from the Bishop of Winchester, his Lordship writes—“I can fully corroborate the accuracy of the statement, as far as it is connected with the circumstances relating to the death of Thomas Pocock; and well recollect having been called up in the middle of the night on the occurrence of the event. The robber lived for some hours after receiving the wound, but was scarcely sensible. I was with him till he died; but he was not in a condition to give any of the particulars of the case.” His Lordship is pleased to add—“I hope you will persevere in your efforts to make the system of separation a permanent regulation. The facts of this case afford a strong argument in favour of it.”

which had been offered ; and it was resolved that since the buildings then standing were unsuited for such improvements, the entire reconstruction of the gaol was to be desired. A presentment, as required by law, was then made ; a new prison was determined on ; the same committee continued its services ; plans were obtained ; and after the settlement of some legal questions respecting the site, the important work was commenced, which has truly provided a house of correction for this county, and a model of prison construction for all others.

I cannot better conclude this chapter than in the words of a talented writer, who, in an article* on the former edition of this work, after commenting on the noble example thus set by the Justices of Berkshire, and expressing a hope that others may pursue a policy alike liberal, humane, and enlightened, by erecting prisons on a similar plan, proceeds to speak of the necessity, and observes, “ Whether we regard the general peace and well-being of the country, or the temporal or eternal interests of our penal population, such measures of penal discipline must be enforced as may make the punishment an object of dread as well as a means of reformation ; or such at all events, as may prevent our gaols from being, what they now are, the best schools ever invented by the folly, cruelty, or thoughtlessness of man, for deadening religious feelings, degrading the moral character, and teaching and disseminating every species of crime.”

* Law Review, Vol. v., No. ix.

CHAPTER IV.

PRISON ON SEPARATE SYSTEM DESCRIBED.—THE DEBTORS' PRISON.—OBSERVATIONS ON IMPRISONMENT FOR DEBT, AND OPINIONS OF BECCARIA AND HOWARD.

WITHOUT entering into architectural details, or any less interesting questions, it appears to be requisite in the present chapter to describe briefly the various parts of the prison, and to show their adaptation to the purposes intended. The situation has been already spoken of. Sixteen plans having been submitted to the Committee, one by Messrs. Scott and Moffatt, in the Tudor, or Castellated Gothic style, was best approved. The building was commenced late in 1842, and was completed and occupied at Midsummer, 1844. The front of the prison is handsome, sufficiently characteristic, presenting indeed nothing of the gloomy aspect which would be in keeping with a place of mere punishment, yet giving the idea of strength which would forbid escape ; and calculated, in some measure, to impress the mind with its corrective tendency as a place of instruction and moral reformation. With the castellated it combines a collegiate appearance. The centre of the front is occupied by a massive gateway, with a lodge on either side. The Governor's and

Chaplain's houses are somewhat further and equidistant from the entrance, and the Deputy-governor's and Matron's residences form the corner towers of the building. Many have remarked that the exterior is in too florid a style, but the observations have, I believe, arisen from the bright appearance of the new stone and bricks. Time, however, has already changed the aspect, and will soon silence the objections. The parts occupied by prisoners are without any kind of ornament, and the decoration, to some extent, of the residences of the officers in front, at a trifling increase of expense, provided the county with a handsome public edifice. The magistrates of Berkshire are neither chargeable with parsimony, nor with the folly of supposing that criminals would be restrained, or offences prevented, by any transitory impression of terror which an unsightly combination of materials might produce. They trusted to rational, hallowed, and therefore more powerful means; and experience, whilst it every day proves the wisdom of their foresight, shows more plainly the error they rejected. The aspect of the most gloomy gaol, though its exhibition of fetters is offensive to the well-disposed, is not found to be repulsive to the vicious. Passing through the gateway, over which the scaffold is erected when the sad spectacle of an execution is afforded, and proceeding into the court yard, at a short distance on the left, is the entrance to the women's prison, entirely separated from the prison for men, into which the females

never enter, excepting to attend divine service in the chapel ; to and from which they are conducted without ever being seen by criminals of the other sex. The arrangements of this building, which contains thirty cells, with requisite accommodation in other respects, are so similar to the larger prison, that a particular description appears to be unnecessary.*

Again crossing the court yard, the visitor, on being admitted within the principal entrance to the gaol, finds a descent on either side which will lead him to the basement. In this part he first observes ten cells, light and airy, and furnished with all that the prisoner may require during the first few hours of his confinement : these are called the reception cells. Proceeding from them he passes various store-rooms, the kitchen, the Warders' mess-room, and reaches four cells, a number happily sufficient for their purpose. If courageous enough to enter one of these, and to allow its double doors to be

* I would suggest that in every prison for women some cells should be constructed at least double the size of others, in which prisoners with infants may be confined. I often now find the cells occupied by such most offensive. Painful experience also inclines me to plead for some similar arrangement in the men's prisons, in which sick prisoners who are not so ill as to be removed to an infirmary may be placed. I have recently been disabled for a fortnight, in consequence, I believe chiefly, of conversing with a prisoner suffering from fever in his nauseous cell.

closed upon him, the inmate may realise darkness as intense as imagination can conceive. These cells, used only for the punishment of offences committed within the prison, are similar in construction to those which we shall hereafter describe. The only additional, but generally very effectual punishment of confinement in them, is the deprivation of light, not one ray of which can penetrate. Ventilation is secured, and warmth, when needful, is supplied. In a space adjoining these cells are eight baths suitably constructed, and so separated from each other as to prevent the possibility of intercourse when used by the prisoners.

Near this part is a descent into the sub-basement, in which is placed the apparatus by which steam is generated for the purpose of cooking, &c., and where is also the apparatus for ventilating and warming the cells, and other parts of the building. For these objects, so essential to the health and general welfare of the prisoners, most careful and effectual provision has been made. The plan adopted has been that of Messrs. Haden, and has been universally approved of. The ends proposed were to give a constant supply of fresh air, to extract the foul air, and to afford sufficient warmth, without giving any facility for communication amongst the prisoners by means of the pipes required. These purposes have been successfully accomplished, but it would be almost impossible clearly to explain the process without furnishing plans, and entering into a more

full description than the writer thinks consistent with the design of his present work.

Ascending from this part there is a doorway leading immediately to the pump-house, which is divided into ten compartments, in which the crank is worked by as many criminals, and moderate exercise is afforded for each. The various cisterns in the prison are thus supplied with the water required. Passing through this building, the visitor finds himself in the garden of the prison, the culture of which also affords healthful occupation to a limited number of convicts. Here too are the yards for daily exercise of the prisoners, these are sufficiently large for the purpose, with a small portion covered in case of rain, and open railings at each end that a current of air may be secured. Twenty of these radiate from a centre, which is a covered room, having twenty apertures in the wall, so that one officer in attendance has the supervision of this number of prisoners ; whilst the occupants of the different yards cannot possibly obtain a sight of each other. A bird's-eye view of this building closely resembles a carriage-wheel ; the officers' watch-room being represented by the centre, and the spokes being similar to the various walls of separation.

Supposing the visitor to re-enter by the same door as at first, he is again on the ground floor of the building. On his right is the office of the clerk, and an opposite passage will conduct him to the debtors' prison. This is composed of two wards

occupied by the prisoners during the day, and twenty small rooms, one of which is assigned to each for his sleeping apartment.*

* Happily the number of prisoners for debt has been greatly diminished by recent enactments; but still the system of association in the Debtors' wards is most unsatisfactory, calculated to frustrate the ends of justice, mischievous in its effects on the prisoners themselves, and in proportion, injurious to society. Idleness, noise, and confusion prevail; the industrious become dissolute, and the dissolute more depraved. On no pretext either of justice or policy can imprisonment like this be defended. What a violation of equity, to subject the unfortunate, the friendless, the comparatively innocent, and the most fraudulent, to the same penalty, the same temptations, and the same distress! I sincerely hope that the day is not distant when this prison shall be identified with the rest: when the insolvent who is the subject of suspicion, shall be committed for trial; and the man convicted of fraud, shall be treated as a felon. The case of one occupant of the Debtors' ward at this time, who has been for more than four years supporting himself, or supported by his friends, at an expense which would have paid five or ten times the amount of his original debt, surely calls for more strict investigation, if not for discipline more severe. (This prisoner has recently been liberated after confinement of more than six years.) I quote the following observations on this subject from the Marquis Beccaria:—"The necessity of good faith in contracts, and the support of commerce, oblige the legislature to secure for the creditors, the persons of bankrupts. It is, however, necessary to distinguish between the honest and the fraudulent bankrupt. The fraudulent bankrupt should be punished in the same manner with him who adulterates the coin; for to falsify a piece of coin, which is a pledge of the mutual obligations between citizens, is not

Passing a staircase by which the debtors and female prisoners enter the chapel, the next door opens into the "visiting-room." This is divided into three compartments, separated by iron rails. The prisoner when visited is placed on one side, the friends on the other, whilst the officer in attendance occupies the middle space, by which means all improper intercourse and the conveying of any article

a greater crime than to violate the obligations themselves. But the bankrupt who, after a strict examination, has proved before proper judges, that either the fraud or losses of others, or misfortunes unavoidable by human prudence, have stript him of his substance ; upon what barbarous pretence is he thrown into prison, and thus deprived of the only remaining good, the melancholy enjoyment of mere liberty ? Why is he ranked with criminals, and in despair compelled to repent of his honesty ? * * * * In the former editions of this work, I myself fell into this error, when I said that the honest bankrupt should be kept in custody, as a pledge for his debts, or employed, as a slave, to work for his creditors. I am ashamed of having adopted so cruel an opinion. I have been accused of impiety ; I did not deserve it. I have been accused of sedition ; I deserved it as little. But I insulted all the rights of humanity and was never reproached."

—*Crimes and Punishments*, p. p. 142, 146.

Howard expressed his wishes on this subject in words very similar to those I have used. " I heartily wish that such an alteration were made in our laws with respect to confinement for debt, that none should undergo it but *dishonest* and *fraudulent* debtors. *Such are criminals, and ought to be treated accordingly.*"—*Howard's Prisons, &c., 2nd book, conclusion.*

to the prisoner is prevented.* Next are rooms for prisoners to consult their legal advisers, &c., and the Governor's office, one window of which overlooks the central hall, into which, through a glazed door, the visitor is now admitted. This is an open space with a lofty dome, on the ground-floor of which are entrances to the visiting justices' and committee rooms, and over these the rooms of the chaplain and surgeon, whilst projecting over the doorway is the office of the deputy-governor, from which he has the supervision of nearly the whole prison.† Three wings diverge from this centre, consisting of wide passages with rows of cells on either side, and a large window at the extremity of each. About the middle of each wing rises a light iron staircase, somewhat resembling the cordage of a ship, so constructed as not to intercept the view. By these the prisoners ascend to the corridors, consisting of two stories of cells, opening into narrow galleries which

* Prisoners committed for trial are allowed to see their friends on any day, at suitable hours; but convicted prisoners can only be visited once in three months.

† Nearly opposite this entrance are seen two upright bars. By means of a windlass the provisions of the prisoners, having in the kitchen been placed on trays, are then wound up these bars through a trap-door to the corridor; the rations are then removed to larger trays, which run along the rails of the galleries, and are doled out at the doors of the successive cells. Thus the serving of such a number, which would otherwise be a tedious process, is very speedily accomplished.

project a short distance from the walls, leaving the arched roof visible throughout.

On entering a cell it will be found light, sufficiently large—being 13 feet in length, 7 in breadth, and 10 in height, thoroughly ventilated, and of healthful temperature (54 deg., Fahrenheit.) Each is furnished with a small table and stool; shelves, on which are seen a pewter plate, a cup, and other requisites; a drawer, containing various articles necessary for cleanliness; and under this hang the prisoner's brushes, coverings for his knees when cleaning, &c. On the top of these shelves is a roll fastened by a strap. This is the hammock, composed of cocoa-nut fibre, and enclosing a small mat-trass with other bedding, enough for the comfort of the prisoner. When prepared for use, this is swung across and secured by iron fastenings in the side walls of the cell. Projecting from one corner is a small cistern, from which pipes are laid on to a copper bason, and a sufficient supply of water is afforded for washing and other purposes, so that any necessity for leaving the cell is prevented. A gas burner is also seen over the table, and four cards are suspended along the walls, one containing extracts from the prison rules, another some particulars of the prisoner, the nature of his offence, the term of his imprisonment, &c.; the third is an appropriate form of morning and evening prayer; and the fourth, a short exhortation to say grace before and after meat, with a suitable form. Every apartment

is also furnished with a Bible and Prayer Book, besides such other books and tracts as the Chaplain may consider adapted to the prisoner's state of mind, or likely to prove of advantage to him in the future circumstances of his life.*

Under a system of separate confinement it is most important that every culprit should have the power of calling for immediate assistance if required. A handle, by means of which a large bell is struck, is accordingly provided in each apartment, and by an ingenious contrivance the same turn of the handle causes a small bracket, on which the number of the cell is inscribed, to fly out from the wall, so that the warder on duty sees at once where his attention is desired. In the door will also be observed a locked panel, which is opened to supply the inmate with his food, &c., and above this is a small glazed aperture, through which the prisoner may be watched at any time, whilst a covering of dark wire gauze within prevents his knowing when he is the object of inspection. The locks, too, are so constructed as either to project a bolt which must prevent the door being closed, or when it is intended to fasten them

* One of these—"Friendly Advice to a Prisoner," has been recently published for the author of this volume, by the Society for promoting Christian Knowledge, and he trusts that it may be found suitable for prisoners in separate confinement. Another, "A Chaplain's Word at Parting," intended for criminals when liberated, has been also published by the same society.

from without, by touching a spring, this is effected in a moment.

From the uppermost corridor there are two entrances to the chapel, which next claims our attention. This edifice is so arranged, that whilst all can unite in divine worship, the plan of separation is carefully preserved. To this end rows of pews or stalls are constructed one above another. These rows are filled successively, but each prisoner as he enters closes the door of his pew before the next is admitted, and a common bolt secures the whole row when filled. It is also contrived that the shelves of the higher tier should conceal the heads of the persons occupying those below. Thus prisoners are prevented seeing each other, and in order to check any attempt to converse, seats above these pews are filled by six of the officers during all the more public services.* Below these secluded rows are open seats provided for debtors. It will be observed that all the pews radiate in such a manner that the pulpit

* Intercourse between the prisoners would have been more effectually prevented if a passage had been formed behind each row of pews, thus allowing the doors to open at the back. The transmission of sound would have been more difficult, and the temptation less. At present a large proportion of the prison offences consist of the attempts of prisoners to communicate with each other in the chapel. Another advantage of such an arrangement would have been that, on any inmate being taken ill during divine service, which must occasionally happen, his removal would have been easily effected without disturbing, as at present, others in the same row.

is visible from every one, and of course all the occupants may be seen by the Chaplain when officiating. Near the desk a gallery is erected, containing pews for the Governor's and Chaplain's families, and additional seats for other officers of the establishment. The communion table, with its appropriate furniture, is opposite to the prisoners' seats ; and at the back of them an arch is left open, in which an organ has lately been erected.*

Some account may here be given of the manner in which the prisoners are dismissed from the chapel. By entering one of the pews a letter and number will be seen on the shelf in front, and in a kind of telegraph, placed near the pulpit, corresponding letters and figures are provided. The prisoner seeing such, by this means, presented to his view as are similar to those before him, knows that he is then to leave his place. Thus all noise and confusion are prevented, and prisoners are kept at any distance from each other that may be desired.

Adjoining the chapel is a small vestry ; and behind this, four rooms of suitable dimensions, forming an infirmary, which have been hitherto but little used as will be hereafter shewn.

* The Chaplain would take this opportunity of thanking all who by their liberality enabled him to provide an organ. He considers that one should be erected in every prison chapel. The peculiar circumstances of the congregation render such an instrument especially requisite ; indeed, so great is the difficulty of conducting the psalmody without such an accompaniment, that it is almost indispensable to the performance of that portion of Divine worship.

CHAPTER V.

EXPENSE OF CONSTRUCTION, ETC.—OBJECT WORTHY THE COST.—TABLE SHEWING DIMINUTION OF COMMITTALS.—TABLE OF COSTS.—SEPARATE SYSTEM PREVENTIVE, CORRECTIVE, AND ECONOMICAL.—TWELVE OR EIGHTEEN MONTHS' CELLULAR IMPRISONMENT SUFFICIENT.

IT is not my purpose to enter at any length into the question of the expense incurred in the noble work which has been accomplished. The cost, which was certainly great, might probably have been less had the building been delayed until prisons on a similar plan had been erected in other places. But could any pecuniary saving have compensated for the continuance of moral evils, known, acknowledged, and calling aloud for correction?—evils which were entailing a growing expense in prosecutions, and punishments which gave no hope of reformation. Happily the day is passed when such an argument could be maintained or tolerated. Cheaply has the county of Berks purchased the reputation of having first adopted, as a complete system, the most remarkable, and perhaps the most

soul.* The remembrance of its origin—the consideration that it once did, and may yet resemble its Creator—the certainty of its everlasting continuance in a state, either of happiness or misery, and this dependant upon whether that likeness shall be alto-

The average of the last five years, during which, prisoners were associated and unprofitably employed on the treadmill, presents the fairest calculation possible of the nature and extent of crime at that period; and that average, it will be observed, amounts to 976. From Michaelmas, 1844, to Michaelmas, 1847, the operation of our improved discipline (certainly to a great extent, if not wholly) is presented, the total average of the three years being 862, shewing not only the reduction of 109 per annum, but a diminution in every description of crime.

* Only a day or two since, a magistrate, on coming out of the cell of a man convicted about ten months since of sheep-stealing, observed to me with much feeling—"Surely the change in that man must repay all the expense we have incurred!" The observation forcibly recalled to my mind the exclamation of a venerable dignitary of our church:—"How glorious a result! How rich a prize for the expense of a man's whole life, to have been the means of saving one soul!"

Nor are the forcible remarks of a living prelate less deserving of solemn attention:—"It may be said that experience has given us but slender grounds of hope, that the cases are but few in which old and practised offenders have been effectually reformed by punishment, even when accompanied by the kindest and most judicious instruction. Be it so, yet none will presume to deny that instances of such reformation *have* occurred however rarely, and is not the bare possibility of its being effected in a single instance sufficient, I will not

gether lost, or by some means restored. Reflections becoming their station, and well befitting highly cultivated minds, together with a deeper conviction of their responsibility as God's ministers, to whom authority is entrusted, evidently operate with greater force upon the decisions and conduct of those to whom He has delegated the power to punish, but not to injure. Hence there is a dread of subjecting the less criminal offender to the society of those whose intercourse must tend to efface every remaining feature of rectitude, and to disfigure and degrade the character beyond the hope of recovery. The sword of justice is now really tempered with mercy. It is no longer regarded merely as the weapon by which the violated law must be avenged, but as the instrument of correction, which, whilst it necessarily inflicts a painful wound, applies at the same time a remedy whereby the moral life of the diseased sufferer may be preserved or restored. What friend to humanity must not feel delight and gratitude in reading

say to justify, but to require all the exertions of Christian charity, which, great and painful as they may be, are not more than commensurate to the value of a soul ! And is not one case of genuine repentance and turning unto God, one victim rescued from the great destroyer of souls one trophy raised by the grace of God over the powers of sin and death, a large and abundant recompense to those who have been permitted to become instrumental in so charitable a work ? *Know that he which converteth the sinner from the error of his ways shall save a soul from death, and shall hide a multitude of sins.*"—*Bishop Blomfield.*

such remarks as the following :—" Could conscientious minds remain blind to the glaring truths thus manifested ? How fearful to every man of ordinary reflection was the knowledge, that as surely as in the execution of our painful duty as magistrates, we committed a simple-minded labourer for some unimportant though statutable offence, so surely that labourer's moral character could escape demoralization by nothing short of a miracle. * * * I thank God that we have been thus armed with power to disarm evil ; that the only power worth a moment's seeking has been given us—the glorious power of benefiting our fellow beings ; of protecting the mind and body of all presumed to be innocent, from the contagion and insult of guilt ; of saving even from themselves, the thoughtless and unfortunate, the ignorant and the criminal. In the discharge of our public duties we now rejoice in the knowledge that at least the committed prisoner receives no injury at our hands. We no longer doom him to the gloomy certainty of coming out of prison a worse man than he entered."—*W. Merry, Esq.*,—*Reply to Sir R. Vyvyan.*

It is truly cheering to find the administrators of the law thus rejoicing that they " bear not the sword in vain," that " being armed with power," they are no longer themselves compelled to abuse it ; but can be " the ministers of God for good," to those who are subjected to their authority, and consequent restraint. And, perhaps, yet more cause for rejoicing

is afforded when legislators and sovereigns express sentiments like the following :—

“ Noble exertions have been made even for such as have gone astray in the paths of vice, whom we have begun to consider less as outlaws, or as beings for ever expelled from society, than as misled fallen fellow-creatures, for whose reclamation and improvement we feel ourselves called on to think and to act. It has been seen, that the duty of society is not only to resent and punish the crimes committed, but also carefully to seek out their causes, and, so far as it is in human power, to remove them. * * * * The question of the correction and improvement of our fallen fellow creatures, touches the great branches of the state too nearly not to be embraced by all its members. It is only by this means that a beneficent link can be retained between the public and the house of correction. The criminal must be condemned to lose his freedom and to be separated from society, in order to put it out of his power to injure, and be restored, if possible, by means of a rational punishment, to reflection and to better purposes; but society must with tender sympathy and paternal care follow even its misled children. The solitary cell ought to be inaccessible to the outer world, but not to the admonishing and instructing voice of the philanthropist. “ I was in prison and ye visited me,” say the Scriptures; may this heavenly doctrine not be lost, but manifest itself in action! It is not enough to complain of disorders and crimes committed, to shew sometimes a childish fear for a dreaded violation of justice, but draw back from all participation when any claim is made on exertions or activity on our own part. The evil cannot be conjured away, either by the dead letter of the author, or by the public condemnation; it must be attacked at the root with earnestness and determination.”—*The King of Sweden.—Punishments and Prisons, p.p. 6. and 89.*

There are persons, however, to whom the apparent increase of expense may be an obstacle to so great and evident an improvement.* It may therefore be proper to mention some considerations which may induce the strongest advocates of economy to be strenuous promoters of such a plan. With respect to former systems it may surely be urged that the cost of prisons and punishments, which instead of reforming the character and repressing crimes, tend rather to contaminate the innocent and to harden the offending, must be altogether worse than wasteful. It is an outlay by which the very evils are produced which it is the avowed purpose to prevent. The very expenditure creates a further demand.† On the other hand, a

* I learnt with regret that some rate-payers in another county recently petitioned against the introduction of the separate system of confinement solely on account of the expense it incurred. In a debate on this subject, in 1779, Mr. Wilberforce observed,—“ If we wish to consult economy, if we wish to resort to a plan which should reduce the expense of supporting those whose vices point out the necessity of their removal from honest society, that advantage will be secured by this system; but that, though of some consequence, is secondary to the other good consequences which must follow in the train of such an institution.”

† “ Under such circumstances (the mingling of prisoners) no improvement could be gained; humanity was disappointed in its hopes; the state loaded with considerable expences, without corresponding advantages; and this mutual instruction in vice and crime, as expensive as it was destructive,

system which acts both as a preventive and corrective punishment, not only affords satisfaction by accomplishing the end proposed, but as a necessary consequence the expenditure must decrease. This will result in various ways. There will be a diminution in the number of committals and re-committals, and therefore in the cost of maintenance, &c. The number of prosecutions will also be lessened ;* and in another important respect a considerable saving may be effected. When it was proposed to introduce the separate system into France, and to build prisons accordingly, one argument used by the Minister of the Interior was, that although the cost of construction would be greater, yet since, in determining the duration of punishment, what was added in severity would be taken into account, the contracted term would cause a decrease in the expense. I feel sure that this principle may with safety be acted upon with respect to long periods of imprisonment. For instance, the criminal whose offence might, under other discipline, have demanded a punishment of two years' duration, may, when punished by this means, be sentenced to an imprisonment of twelve or eighteen months. The increased severity will afford equal satisfaction to the violated law—(if the only gave new nourishment to the evil, and soon spread its consequences in a manner highly dangerous to the public safety.—*The King of Sweden.—Punishments and Prisons*, p. 13.

* See page 94.

* I have been favoured by a magistrate with the following statement, shewing the cost of prosecutions, and of the maintenance of prisoners, tried at the Sessions and Assizes in this county, during four years respectively:—

1841—NUMBER OF PRISONERS, 1028.

Tried at the Assizes	73—at a Cost of £1,198—16 12 9 each	2) 28 17 2	Maintenance, &c.	16 6 6
———— Sessions	129—at a Cost of 881—7 4 6 —	10s. 6d. per week	The cost of maintenance, &c.,	16 6 6
Summarily Convicted	884	11 18 7	10s. 6d. per week	11 18 7
			Total ..	£28 4 1

1842—NUMBER OF PRISONERS, 1078.

Tried at the Assizes	83—at a Cost of £ 818—16 8 8 each	2) 24 14 8	Maintenance, &c.	16 6 6
———— Sessions	135—at a Cost of 1,258—9 6 0 —	12 7 4	10s. 6d. per week	12 7 4
Summarily Convicted	880	12 7 4	Total ..	£28 12 10
			Total ..	£28 4 1

1843—NUMBER OF PRISONERS, 994.

Tried at the Assizes	92—at a Cost of £ 680—17 8 0 each	2) 24 9 3	Maintenance, &c.	16 6 6
———— Sessions	130—at a Cost of 951—7 6 3 —	12 4 7	10s. 6d. per week	12 4 7
Summarily Convicted	773	12 4 7	Total ..	£29 4 7
			Total ..	£29 4 7

1844—NUMBER OF PRISONERS, 1211.

Tried at the Assizes	74—at a Cost of £1,070—14 9 2 each	2) 21 18 1	Maintenance, &c.	16 6 6
———— Sessions	128—at a Cost of 916—7 8 11 —	10 19 0	10s. 6d. per week	10 19 0
Summarily Convicted	1014	10 19 0	Total ..	£27 4 6
			Total ..	£27 4 6

vindictive principle be recognised)—correction, I believe, will generally be effected in that time, and as an exemplary punishment, its power in deterring the vicious will be more effectual on account of the increased dread with which it is regarded.*

N.B. The cost of maintenance, &c., in prison, at 10s. 6d. per week, is here calculated at £16 5s. 6d. per head, only on Sessional convictions. The cost is to be calculated also on the more extended convictions of Assizes; and to this again must be made an addition for maintenance previous to trial. So that to reckon each convicted prisoner at a cost of £30 is a moderate computation, much under the actual charge upon the county.

It is not unworthy of remark, as shewing the vast proportion of judicial business transacted by gentlemen of the county, that out of a total of 4311 prisoners in the above four years, 291 only were tried at the Assizes. Of the remaining 4020, 510 were arraigned at the Sessions, and 3510 were summarily convicted. The time and labour thus gratuitously devoted by the Magistracy should be known and appreciated, and the economist may rejoice that at so little expence justice is promptly and efficiently administered.

* It must not be inferred that if long terms of punishment may thus be contracted with the hope of equal advantages, shorter imprisonments may also be diminished in the same proportion. I am sorry to differ on this subject with an excellent magistrate of this and an adjoining county, who, when recommending separate imprisonment to the Parliamentary Committee, observed—"As it would be more severe, where we have the power to imprison for one month, I would give the power not exceeding twelve days; where we have the power for two months, I would give the power not exceeding sixteen or twenty days. Solitary confinement is

As this improved system of prison discipline shall become general, a source of prodigious national expense will also be checked, and I trust that the threatening state of our penal colonies need no longer alarm. Our Judges now but seldom transport offenders on their first conviction. Whilst criminals were associated in prisons such clemency did but defer the evil. The mitigated penalty of such imprisonment only ensured the repetition of crimes, and

very little felt until after the eighth day ; and, in my opinion, if any of the prisoners were asked at Brixton whether they would go upon the wheel for a month, or take eight days' solitary confinement, they would choose the eight days' confinement ; but if asked whether they would take fourteen days, they would choose a month on the wheel. It is upon that I have founded the scale I at present submit.'

I have, in the reports annexed, stated, that although contamination is prevented, so that the prisoner does not under the separate system become worse, as is the case when associated, yet I believe that very short imprisonments, even under that discipline, are seldom corrective. The statement above, as to the increased punishment, and respecting the feelings of many prisoners, I have observed to be most accurate ; and if the design of imprisonment were to inflict such a measure of punishment for so much wrong done, it would be accomplished by the means recommended ; but if the end proposed be to prevent others from offending, and by instruction and moral discipline to reform the criminal himself, the shortened period must prove insufficient, and the purpose fail. A sentence of less than ten or twelve weeks, although it may punish, can scarcely be said to afford the prisoner the corrective advantages of the present system.

thus entailed a sentence more severe. This I feel confident will cease to be the case under the corrective process of separate confinement. I have not seen one criminal convicted of any of the more heinous offences, and sentenced to several months' imprisonment, whose character has not been improved, and yet some when committed have been apparently desperate, and were so reported. So unexpected, and yet so decided has been the change in many prisoners that I have learnt to regard none as incorrigible under this discipline, and should it be determined to punish those only with transportation on whom separate imprisonment for twelve or eighteen months shall have failed, I believe the criminal population of our colonies will rapidly decrease.*

I conclude this subject of expense with the following extract from a letter of M. De Metz, who visited the American prisons under a commission from the French government.

“ The question of expenditure is the greatest and only obstacle in the way of the general introduction of the Separate System. * * * But considerations of economy are precisely those which ought most powerfully to prevail in

* As might be expected, a few criminals who had been several months in prison have been recommitted since the above was written. But these cases have been so few, and their circumstances as described in the subjoined reports so remarkable, that a reference to them will shew the opinions I have expressed must be retained.

favour of that determination to which I trust you will come ; for in considering the numerous defects which must render vain all attempts to establish any system which contemplates the association of convicts together in silence, you must take into account what must be the effect of so large a sum *utterly lost*, if, upon trial, we shall be compelled to abandon a system now introduced at considerable expense, in order to make way for one more effectual. And if we can show that the saving which must accrue to the State from the very application of the system, must, in many respects, outweigh the cost of its establishment, by effecting the amendment of the convicts, and by thus diminishing the number of convictions and of recommitments, the term of imprisonment, the population of prisons, and the expense of prosecution, the objection will fall at once to the ground.

“ But why do we speak of expense, when the point at issue is the fundamental question respecting the public good, and the extirpation of an evil that preys upon the very vitals of society ? The truth is, a country is not exhausting its resources when it is establishing useful institutions ; on the contrary, it is enriching itself.

“ Besides, are we to be occupied with pecuniary considerations in a matter affecting morality and civilization ; and, at the same time when such vast sums are expended upon objects of luxury and embellishment, is it right to bargain about questions in which public morals and public security are so deeply involved ?”

CHAPTER VI.

PREJUDICES AGAINST SEPARATE SYSTEM.—WHENCE DERIVED.—EXPERIMENTS IN AMERICA.—MISTAKES CORRECTED.—MISREPRESENTATIONS EXPOSED.—OBSERVATIONS OF REV. C. R. DEMME, THE INSPECTORS, AND CAPT. MARRYATT.—THE SEPARATE SYSTEM IN ENGLAND.—AT HORSHAM.—ANECDOCE OF LORD MANSFIELD.—THE SYSTEM AUTHORIZED BY THE LEGISLATURE.— APPROVED BY SIR S. ROMILLY, WILBERFORCE, AND HOWARD.—ORIGIN OF THE SYSTEM. DRAUGHT OF A BILL, BY THE SOCIETY FOR PROMOTING CHRISTIAN KNOWLEDGE. — SEPARATION PROPOSED BY BUTLER AND PALEY.—PENITENTIARY AT GLOUCESTER, MILBANK, AND PENTONVILLE.—THE SYSTEM DESCRIBED.—ITS ADVANTAGES TO PRISONERS BEFORE TRIAL.—MRS. FRY.

AN attempt will be made in this chapter to correct the mistakes and to remove the prejudices which have prevailed so generally against the system of prison discipline, for which the gaol we have described is adapted; and to convey some more accurate notion of what is intended by the plan of separation which has been introduced.

The causes of repugnance to this mode of punishment are various, but all arising, it is believed, either from misconception or from misrepresentation. Historical recollections lead us to connect the idea of imprisonment in the separate cell with the horrid

dungeons of former days, in which the lonely victim of cruelty and oppression was incarcerated, and where all was dismal and calculated to induce despair. Again, the entire failure of punishment whilst prisoners were associated gave occasion to the trial of some most injudicious experiments in America, where, from the plan pursued, we might suppose the object to have been to inflict an excess of exemplary punishment by constant, cheerless, and long-continued solitude, rather than to ascertain what term of seclusion might tend to produce repentance and repress crime. I extract the following account from the Third Report of the Inspectors of Prisons. Home District :—

“ In the year 1822, it was determined to submit the Separate System to the decision of experiment ; and the following is a description of the cells in which the trial was made in the State of Virginia :—‘ The solitary cells are arranged in the basement story, and the side of the passage leading to them towards the interior yard consists of a solid brick wall. In entering the solitary cells through this passage from the yard, it is necessary to use a candle or torch. In the cells arranged on the side of this dark passage, the convicts, who are generally condemned for the first six months to solitary confinement, receive this part of their punishment. It is very severe ; for the cells are dark, and damp, and cheerless. A small sash placed above the prisoner’s head, admits a faint light ; the water stands in drops on the wall in damp weather, and no provision is made for warming the cells at any season of the year. An instance has occurred in which a prisoner’s feet were frozen while enduring the term of solitary confinement in one of these cells. Some of the cells in this prison,

designed for solitary confinement, have no window or orifice for the admission of light, and the only ventilation is through a small orifice in the door, opening into the dark passage.' The superintendent says, in a letter concerning the effect of solitary confinement in the first class of cells, which are far less dismal than the last, 'I consider it, under the present laws, imminently dangerous to the health, and, of course, to the life of some of the convicts. There are some whose constitutions are not injured, but they are comparatively few in number. The instruction is almost nothing. No provision is made, either by the State, or by individuals, for any religious instruction on a Sabbath, and sometimes months together have elapsed without a religious service of any kind.'

"An experiment was made in the State of Maine about the same time, in cells which are thus described:—'The cells are pits, entered from the top with a small ladder, through an orifice about two feet square; the ladder is removed when the convicts are in the cells. The orifice is secured with an iron grate used as a trap-door. The only other orifices in the cells are one in the bottom, about an inch and half in diameter, to admit warm air from underneath, which is heated by a furnace; and another in the side of the cell, about one and a half by eight inches. This orifice has an angle in the wall, to prevent the convict from seeing any person without. The cells are 8 feet 9 inches long, 4 feet 6 inches wide, and 9 feet 8 inches high.' It is added, 'Many of the convicts sent to the State Prison were, at the time of their arrival there, afflicted with diseases, and some with incurable diseases.' Such were some of the prisoners upon whom this experiment was made, and such were the dimensions of the cells in which those unhappy persons were immured. Another experiment was tried at Auburn, in New York. By an Act of the Legislature of that State, passed in April, 1821, a selection of the oldest and most heinous offenders in the Auburn prison was directed to be made. Upon which 80 convicts were immured

in cells 7 feet by 3 $\frac{1}{2}$, and 7 feet high. The only opening from the cell, except the ventilator, was the door, in the upper end of which was an iron grate about 20 inches by 18; through this grate all the light, heat, and air, which the prisoners had were admitted. The ventilator, which was about three inches in diameter, extended from the back of the cell to the roof of the building. It will be perceived how very inadequate the ventilator must have been, from the fact just stated, that the opening in the upper part of the door was the only aperture through which any fresh air could find admission, and that, consequently, a stagnation of air in the lower part of the cell must have ensued, which would be exceedingly prejudicial to the health of the prisoner. As exercise in the open air was not permitted, the convicts were compelled to remain standing or moving on their feet in their narrow cells during the whole of the day. No instruction, intellectual, moral, or religious, was ever given. Your Lordship will not be surprised on learning the result of this ill-judged and inhuman experiment, which was continued for ten months. Several of the unhappy convicts became insane; the health of the greater part was seriously impaired, and some escaped narrowly with their lives. It was pretended, likewise, that a fair experiment had been made at New Jersey; but, in truth, the trial there attempted, does not deserve the notice of any one who desires to investigate the nature, and weigh the pretensions, of the system of separate confinement; for, although the convicts were in separate cells, yet, they were so ill-constructed that several of the prisoners could converse with as much ease as if they had been in the same apartment."

A further trial, equally unmerciful, was made at Auburn, in New York, respecting which I extract the following particulars from the work of M. M. De Beaumont and De Tocqueville:—"In 1821, there were placed in the north wing of the prison, eighty

criminals, a cell being assigned to each. This trial, from which the advocates of the plan promised themselves so much success, was fatal to the greater part of the prisoners ; to reform them, they were subjected to complete isolation. But this absolute and uninterrupted solitude is beyond human endurance ; it consumes the criminal without respite and without pity. It does not reform ; it kills.

“ The unfortunates upon whom this experiment was made, fell into a state of depression so manifest, that their guardians were struck with it ; their lives appeared to be in danger if they remained longer under such treatment. Five of them died during one year. Their moral condition was not less wretched ; one became mad, another in despair, taking advantage of a moment when the gaoler brought him something, threw himself from his cell, running the risk of almost inevitable destruction.

“ Upon effects like these, the system was adjudged to be unsuitable. Twenty-six of the solitary prisoners were pardoned by the governor of New York, and those to whom such favour was not shewn, went out during the day, and were allowed employment in the common workshop. Since this time (1823) the solitary system has been entirely discontinued at Auburn. Proof was soon afforded that this system, fatal to the health of criminals, could not reform them. Of the twenty-six whom the governor pardoned, fourteen were re-committed to prison in a

short time for fresh offences."—*Système Pénitentiaire, Première partie, Chapitre 1, 91.*

Respecting the unhappy consequences above described, I quote the following remarks of the King of Sweden:—"This sorrowful result of an attempt, on which such great hopes had been placed, depressed many minds, shook the conviction of others, and the philanthropic idea, of endeavouring to unite the criminal's improvement as far as possible with his punishment, ran the danger of being considered as an empty and childish vision. But a great and true idea once uttered, is immortal ; the development of the good it aims at, can certainly be delayed for some time by exterior circumstances, but it can never be smothered or annihilated."—*Punishments and Prisons, p. 36.*

Happily in America, as elsewhere, the attempt to improve the character by mere punishment has been abandoned, and a system of prison discipline has been introduced, with the purpose of correcting offenders and preventing vice by means more judicious and humane. This attempt has been eminently successful ; yet it will be long ere the recollection of former negligence,* mistakes, and cruelties, will cease to influence the judgment, so as

* The editor of the "United States Gazette," in 1835, stated that some years before, "a prisoner had been for some crime thrust into the Walnut-street Prison ; his situation was not made known to the keeper, and he perished miserably, without being able to make his voice heard."

to allow those evidences to be satisfactory, which would otherwise be conclusive. I trust, however, that the testimony I shall adduce may greatly, if not entirely, remove the prejudices which prevail in the minds of many of the most benevolent and just.

Before quoting the opinions of some who have most carefully scrutinized the operation of separate confinement, and its effects in America, it will be proper that reference should be made to the shameful advantage which has been taken of the general want of information on this subject, by a writer whose works have obtained a wider circulation than his veracity deserved. The subject was of by far too serious a nature for discussion in a mere volume of amusement; but perhaps the light character of the work may increase the mischief, since numbers of its readers are of a class whose taste will not lead them to make such enquiries, or to consult such creditable authors as might effectually remove the false impressions which have been produced. The scandalous statements referred to have been so satisfactorily contradicted in an interesting volume, recently published by one who has himself visited the American prisons, and conversed with the very criminals who are the subjects of mis-statement, that I quote his observations at some length:—

“ From the manner in which that writer has chosen to treat the subject of prison discipline, we should have considered his statements altogether unworthy of notice, possessing, as we did, the means of irrefragably confuting them, had it not been

for the importance attached to his writings as an authority upon the point. * * * 'In the outskirts stands a great prison, called the Eastern Penitentiary, constructed on a plan peculiar to the State of Pennsylvania. The system here is rigid, strict, and hopeless solitary confinement. I believe it, in its effects, to be cruel and wrong. In its intentions, I am well convinced that it is kind, humane, and meant for reformation; but I am persuaded that those who devised this system of prison discipline, and those benevolent gentlemen who carry it into execution, *do not know what they are doing.*'

* * * Mr. Dickens certainly gives credit to 'those benevolent gentlemen' who have 'devised the system of prison discipline' there in operation, for good 'intentions'; but this fugacious prison inspector (two hours, according to the *Philadelphia Courier*, Dec. 9th, 1843, having been the extent of his visit), with an effrontery unwarranted by his age or experience, questions the judgment and practice of veterans, we say, in the cause of humanity and philanthropy,—the judgment of men who have devoted a lengthened period of unremitting assiduity and anxiety to promote the well-being of the crime-stricken inmates of their penal institution. * * * A few queries may be proposed for Mr. Charles Dickens' consideration. When he ranged the corridors of the Eastern Penitentiary, and scrutinized its inmates from cell to cell, did any condemnatory epithets escape his lips either of the 'men' who had been the promoters of the erection of the prison, or of the discipline there manifested? Did he then estimate 'the immense amount of torture and agony' inflicted within its walls? Did he at that time receive his impressions of the 'slow and daily tampering with the mysteries of the brain' to which the criminals were subjected? And did he, to the 'two gentlemen officially connected' with the Institution who attended him, denounce the confinement there pursued 'as a secret punishment which slumbering humanity is not roused up to stay?' And did he then 'solemnly declare, that, with no rewards or honours, could he walk a happy man beneath

the open sky by day, or lie him down upon his bed at night, with a consciousness that one human creature, for any length of time, no matter what, lay suffering this unknown punishment in his silent cell, and he the cause, or he consenting to it in the least?"

"We put it to him as a man of honour,—Did he not, on his visit to the Eastern Penitentiary, express himself highly gratified, making one exceptive remark upon the length of sentences?"

The following is given as a specimen of Mr. Dickens' misrepresentations:—

"There were three young women in adjoining cells, all convicted at the same time of a conspiracy to rob their prosecutor. In the silence and solitude of their lives, they had grown to be quite beautiful. Their looks were very sad, and might have moved the sternest visitor to tears. One was a young girl; not twenty, as I recollect; whose snow-white room was hung with the work of some former prisoner, and upon whose downcast face the sun in all its splendour shone down through the high chink in the wall, where one narrow strip of bright blue sky was visible. She was very penitent and quiet; had come to be resigned, she said (and I believe her); and had a mind at peace. "In a word, you are happy here?" said one of my companions. She struggled—she did struggle very hard to answer, Yes: but raising her eyes, and meeting that glimpse of freedom over-head, she burst into tears, and said, "She tried to be; she uttered no complaint; but it was natural that she should sometimes long to go out of that one cell; she could not help *that*," she sobbed, poor thing!"

"In giving the history of these 'three young women,' Mr. Dickens, perhaps, might well be spared having his opinions and partialities so severely tasked; the fact is—they were of

the inferior class of low women to whom the appellative 'beautiful' was inappropriate and unworthy ; *two of them were Mulattoes and one of them a Negress !* Surely, he (Mr. Dickens) the critical observer of human nature, must have expected the poetry of his compositions to have raised them above contrast or examination ! but he will find it much safer to make up sympathies of unreal life, where the character of his own labours, and not that of valuable institutions, are liable to be affected. * * * * *

"Before we bid farewell to this gentleman, we will venture to refer him to the sentiment of a popular authoress of the last generation, from whom he may derive a lesson that may be useful to him in his future literary career, particularly when he attempts a description of incidents connected with *real life*, —I never mix truth with fiction ; all that I relate in journalising is STRICTLY, NAY, PLAINLY FACT."—*Prisons and Prisoners*, p.p. 96, 114, 121.

I proceed to quote some observations which explain the true nature and effects of the system which has been so misrepresented. The Rev. C. R. Demm^é, minister of the Lutheran Church in Philadelphia, thus writes :—

"Permit me in the first place to render thanks to the Secretary of your Board, for it was through his instrumentality that I became better acquainted with an institution, to the principles of which I had been decidedly averse, but which I have since learned to regard as the execution of an idea, suggested by the most enlightened and active benevolence, and as a measure that promises to produce the happiest results on the moral character and condition of society. I had seen solitary confinement on the continent of Europe, and disgust mixed with horror, will remain the indelible impression. Admitting that it would bear a very different character in your intended establishment, and granting that its effects would be greatly in-

fluenced by the peculiar temper and constitution of the body, as well as by the frame and turn of the mind of each individual, yet I thought that the necessarily attendant evils would be an impaired constitution, brutish insensibility and lethargy, or incessant anxiety, settling down to gloomy dejection and melancholy ; and if the prisoner should be aroused from that state, resentment, malignity, and purposes of being soon revenged on society by a repetition of the same offence, or the commission of others of a still greater moral turpitude, would follow. So I looked on with deep solicitude while the building on Cherry-hill (the Eastern Penitentiary) was in progress ; willingly would I have assisted in taking down every stone, and would have considered it a work of benevolence to have done so. When the system had been in operation about six months, I was requested by the gentleman above mentioned to speak to one of the prisoners, a German, who asserted his innocence of the crime for which he was sentenced. He was desirous that the convict might be addressed in his native language, hoping that by this means access might be had to his heart. I went, but with reluctance. Since that time I have been there repeatedly ; and, as every opportunity was afforded me for it, I have conversed with many of the prisoners, have become better acquainted with the principles of the institution, and the effects it has produced ; and this has changed my sentiments with regard to it."—*Letter addressed to the Board of Inspectors.*

The Inspectors themselves write as follows :—

" Notwithstanding the numerous attempts to possess the people generally with a knowledge of the principles which govern the Eastern Penitentiary, many mistaken notions are yet afloat with regard to it, and much misapprehension yet exists. A wide currency has been given to gross misrepresentations through the agency of some fanatics upon prison discipline, whose motives are questionable ; and in very many instances there have been wilful and unwarrantable perver-

enticed one another to do wrong again. He was convinced that no man left Sing Sing a better man than he went in. Here he felt very often that he could become better—perhaps he might. At all events his mind was calm, and he had no feelings of resentment for his treatment. He had now leisure and quiet for self-examination, if he chose to avail himself of it. At Sing Sing there was great injustice and no redress. The infirm man was put to equal labour with the robust, and punished if he did not perform as much. The flogging was very severe at Sing Sing."—*Diary in America*, Vol. ii. p.p. 264, 269.

It may not be uninteresting if, before we proceed to describe the purpose and plan of the separate imprisonment which is pursued in Reading Gaol, we briefly trace the origin and progress of this corrective system. Prejudices have been excited and strengthened in the minds of some from the mistaken idea, that it originated with certain sectaries in the United States; an honour which certainly cannot be assigned to them. It appears from official records, that so early as 1779, a gaol was completed at Horsham, after a plan of the Duke of Richmond, in which a separate cell was provided for each felon. This prison is described by Howard, about ten years after, as "clean healthy, and well regulated." The following anecdote, extracted from Holliday's Life of Lord Mansfield, affords striking evidence of the early advantages derived from this introduction of the system:—

"To manifest his opinion of the salutary effects of the new gaols in Sussex, Gloucester, Oxford, Stafford, and other counties, whose useful reform has been promoted by solitary

confinement, he was accustomed to relate the following anecdote, or little dialogue between himself and the governor of Horsham new gaol, in Sussex.

“ Lord Mansfield—‘ A few hours only have flitted or passed away, since, in the discharge of my duty as a judge, I delivered your new gaol. I was very much pleased at the sight of a calendar, where the number of prisoners which formerly have fallen to my lot to try for offences at Horsham, was reduced more than one-half. I am now very much astonished to find that the few prisoners I have tried at this period would not occupy one-fourth part of the new gaol. How can your Lord-Lieutenant satisfy the county of Sussex that there has not been prodigality and waste of the county money, in raising so large and stately an edifice, three-fourths of which appear to be untenanted ? ’ The answer was,—‘ My Lord, I must leave his Grace of Richmond to answer for himself : I have very little doubt of our Lord-Lieutenant acquitting himself of your Lordship’s heavy charge of prodigality. This, my Lord, I can truly say, that I was twelve years keeper of the old gaol, and have been near twelve years keeper of the present county prison. I can say further, that the new gaol was built upon a plan to contain the average number of criminals and debtors which the old gaol was accustomed to hold in durance vile. But, my Lord, although in days of yore my visitors were very troublesome, and very frequent in their visits to me,—discharged at one assizes, and in prison again within the old walls, long before the next ; yet such, my Lord, is the effect of our solitary confinement, and of making a rogue think a little, *and become acquainted with himself*, that in the course of the last twelve years, I can solemnly declare before your Lordship, that only one prisoner has been twice within these walls.’

“ ‘ Good God ! ’ replied the noble Earl, ‘ this language of experience is very forcible, and the fact ought to be more generally known.’ ”

About the time of the reconstruction of the gaol at Horsham, an Act of Parliament was passed, which authorised solitary or, as now called, separate confinement, and directed that suitable cells should be provided. The preamble of this Act runs thus—“Whereas, if many offenders convicted of crimes, for which transportation has been usually inflicted, were ordered for solitary confinement, accompanied by well-regulated labour and religious instruction, it might be the means, under Providence, not only of deterring others from the commission of the like crimes, but also of reforming the individuals themselves, &c., &c.”—19 *Geo. III.*, c. 74, s. 8.

In reference to this Act, Sir Samuel Romilly, in 1810, observed, that it was “a plan formed by some of the wisest men of this country, who had devoted much of their valuable time to this important object—by Mr. Justice Blackstone, Mr. Howard, and Mr. Eden (afterwards Lord Auckland). The great objects which they proposed to themselves were to reform criminals—to seclude them from their former associates—to separate those of whom hopes might be entertained from those who were desperate—to teach them useful trades—to accustom them to habits of industry—and to give them religious instruction.”

Mr. Wilberforce also spoke of this proposed system of separation in the following terms :—“Its cardinal excellence is to restore to society the unhappy wretch whose vices have brought him to premature disgrace. This great end is to be obtained while

confined in the Penitentiary House—religious instruction and moral precepts are to be applied to restore his mind to a sense of shame and repentance for his past conduct. * * * * During his continuance in this asylum, he is kept apart from the contamination of a society worse than himself."

Howard proposed a code of regulations for the government of these penitentiaries, and under the head of "lodging" the very first rule was, "A SEPARATE CELL FOR EACH PRISONER."*

Subsequently in 1781, another act was passed, the preamble of which recites,—"Justices in settling and adjusting plans of new buildings, are hereby required to provide separate apartments for all persons committed upon charges of felony, and convicted of any theft or larceny, and committed to the house of correction for punishment by hard labour, under or by virtue of the laws in being, in order to prevent any communication between them and the other prisoners."—22 *Geo. III. c. 54.*

The prison constructed at Reading, in 1785, was in partial accordance with these acts. The following is the description of it given by Howard, in 1789:—"The bridewell for the county of Berks, at Reading, was a new prison, consisting of six close cells for the refractory, eight solitary cells, and six wards for prisoners, permitted to be together. Some of those confined alone, were sentenced for a year, a severe confinement," observes their compassionate visitor,

* Howard's 2nd book on Prisons, p. 227, 4to Ed.

“to be so long in solitude, unemployed, in *nauseous cells*, and without fire in winter.” But as very erroneous impressions are still abroad of Mr. Howard’s sentiments upon this subject, it is but justice to his memory, that he should be permitted to state for himself his views of the uses and abuses of a species of prison discipline, for which, *when confined within its proper limits, he was a staunch advocate*, as he does in the following note upon this passage:—
“*I wish all prisoners to have separate rooms; for hours of thoughtfulness and reflection are necessary.* The gentlemen of this county, by their building this house of correction, and in various other instances, have shown themselves so attentive and zealous in whatever may tend to the real interests of their fellow-creatures, that I am glad to take this occasion of making some remarks on solitary confinement;* the

* I received a visit a short time since from an aged gentleman who accompanied Howard on this occasion, and on walking through our prison with him he repeatedly gave utterance to expressions of joy and gratitude that he had lived to see the wishes of his friend so fully realized. It is an interesting fact, that on the very spot which gave occasion to Howard to express his desire for separate imprisonment, and to explain his sentiments on the subject, almost the first prison was built on the plan he wished to see adopted. And it is truly a cause of gratitude and of congratulation, that the same thoughtfulness and philanthropy which distinguished the magistrates of Berkshire in the days of Howard, and called forth his commendation, has descended to their successors, and shewn itself in a manner which commands praise, and of which their posterity may be proud.

intention of this, I mean by day as well as by night, is either to reclaim the most atrocious and daring criminals ; to punish the refractory for crimes committed in prison ; or to make a strong impression, in a short time, upon thoughtless and irregular young persons, as faulty apprentices, and the like. It should therefore be considered by those who are ready to commit, for a long term, petty offenders to *absolute solitude*, that such a state is more than human nature can bear, without the hazard of distraction or despair ; that it is repugnant to the Act which orders all persons in houses of correction to work ; and that for want of some employment in the day (as in several houses of correction), health is injured, and a habit of idleness or inability to labour in future, is in danger of being acquired.* The beneficial effects on the mind, of such a punishment, are speedy, proceeding from the horror of a vicious person left entirely to his own reflections. This may wear off by long continuance, and a sullen insensibility may succeed.† The county gaol here was clean and quiet : Lord Craven

* It must be observed that these cautions of Howard apply to imprisonment in "*absolute solitude*," a punishment, as will be explained, very different to that of the *separation of criminals* in confinement.

† Reference to a note on this subject in the 2nd vol., in which I refer to short imprisonments, will convince that, under corrective discipline, Howard was no advocate for very short terms.

and other of the magistrates visiting both it and the bridewell, and entering their reports every month. The gaoler informed his visitor, upon the 12th of July, 1788, that of the eleven convicts whom he carried on the 1st of April in the preceding year, to the Hulks at Portsmouth, three only were alive. "I have observed," remarks Mr. Howard on this circumstance, "that convicts from the country often pine away and die without any apparent sign of illness; and that of equal numbers from the country and from Newgate, three or four of the former die for one of the latter."

From the facts which have been mentioned, it has been affirmed that "the separate system is British; British in its origin; British in its actual application; British in its legislative sanction." Whilst I would rejoice in the truth of the assertions, I think we must not too positively claim the honourable distinction of having first adopted the separate system, since I find that Mr. Howard writes as follows concerning the prisons of Switzerland which he visited in 1776:—"In those of the cantons to which I went, *felons have each a room to themselves, 'that they may not,'* said the keepers, *'tutor one another.'*"*

The documents of the Christian Knowledge Society, to which I have referred, do indeed go further than any evidence before adduced to support the above assumption as to the "British" origin of the separate system. What effect the following

* Foreign Prisons—Sect. iv.

recommendation produced ; whether separate cells were then provided for the condemned criminals, and for them alone, or whether the reasonable inference was drawn, that if separation was calculated to excite repentance in the condemned, it was also likely to change the character of those to be again released, and therefore should be adopted to some further extent*—these are questions we cannot decide. Yet it was with some satisfaction I made the following extract, shewing that separate confinement, for one class at least, was proposed in England long before previous writers on the subject have supposed :—“ On the 23rd of November, 1710, it was reported from the committee that they had agreed to lay before the society the following proposals for recommending a bill to be brought into Parliament for providing *separate apartments* for condemned criminals, viz. :—‘ Whereas, in the prisons for condemned criminals throughout this kingdom there are common, though separate apartments for men and women, and that among the said prisoners there are divers that have a sense of their impiety and wickedness, and would gladly spend their time in reading, meditation, and prayer, and preparing themselves, as far as they are able, for

* The observations and arguments of Butler written a few years later may to some extent warrant this supposition. Separate imprisonment may have been partially adopted for a time and discontinued, as we shall see was subsequently the case notwithstanding its evident advantages.

another world ; but are necessitated to perform their private devotions in an open room, whilst others are *blaspheming God, and ridiculing, if not cursing them, for their religious exercises.* In compassion to such poor wretches, it is humbly recommended that a clause be inserted in some bill to be brought into this Parliament, enacting that, at least, in every county gaol there be a cell, or an apartment, separate from the common room, allowed to *every prisoner* that is condemned to die.”

The next proposal for separate confinement with which I am acquainted is made by the learned Bishop Butler, who in a sermon preached before the Lord Mayor, in 1740, said as follows :—“ As the only purposes of punishments less than capital are to reform the offenders themselves, and warn the innocent by their example, everything which should contribute to make this kind of punishment answer these purposes better than it does, would be a great improvement. And whether it be not a thing practicable, and what would contribute somewhat towards it, to exclude utterly all sorts of revel mirth from places where offenders are confined, to separate the young from the old, and force them both, in solitude, with labour and low diet, to make the experiment how far their natural strength of mind can support them under guilt and shame and poverty ; this may deserve consideration. Then, again, some *religious instruction particularly adapted to their condition* would as properly accompany those

punishments, which are intended to reform, as it does capital ones. * * * Since it must be acknowledged of greater consequence, in a religious as well as civil respect, how persons live, than how they die, it cannot but be even more incumbent on us to endeavour, in all ways, to reclaim those offenders who are to return again into the world, than those who are to be removed out of it; and the only effectual means of reclaiming them, is to instil into them a principle of religion."

Again, about forty years seem to have elapsed before any distinguished writer reverted to this most important question. Then, Archdeacon Paley, in his "Moral and Political Philosophy," spoke in plain terms of approval of separate imprisonment, and was gifted with some foresight of its happy effects. He wrote as follows:—"The end of punishment is twofold;—*amendment* and *example*. In the first of these, the *reformation* of criminals, little has ever been effected, and little, I fear, is practicable. From every species of punishment that has hitherto been devised, from imprisonment and exile, from pain and infamy, malefactors return more hardened in their crimes, and more instructed. * * * Of the *reforming* punishments which have not yet been tried, none promises so much success as that of *solitary imprisonment*, or the confinement of criminals in *separate apartments*. This improvement augments the terror of the punishment; secludes the criminal from the society of his

fellow-prisoners, in which society the worse are sure to corrupt the better;—weans him from the knowledge of his companions, and from the love of the turbulent, precarious life, in which his vices had engaged him; is calculated to raise up in him reflections on the folly of his choice, and to dispose his mind to such bitter and continued penitence, as may produce a lasting alteration in the principles of his conduct.”*

Shortly after the passing of the Act in 1781 (22d Geo. III.), a prison with separate cells was erected at Petworth, one regulation in the government of which provided, “That the keeper and turnkey take special care that the prisoners are kept *separate* night and day, and that they perform such work as may be allotted to them, *in their respective cells*; and that they upon no pretence whatever permit them to have *any communication* one with another; that every prisoner in health attends Divine Service, and is put into an airing yard, for at least the space of one hour every day; and that no two prisoners be *aired together*, unless the numbers should make it absolutely necessary.”

About the same time as the erection of the prison at Petworth, a County Penitentiary was built at Gloucester on the same plan, to the success attending which, I have given the testimony of Sir G. O. Paul.† But after a few years the increased number

* Moral Philosophy, chap. ix.

† See Report, Mich., 1845.

of prisoners, and the consequent want of room in these buildings, caused the discontinuance of the system ; and subsequently evidence was given to the following effect :—When the system was broken in upon, and suspended by the influx of numbers, for whom it was impossible to provide separate apartments, order was succeeded by insubordination ; labour, instead of being voluntary, became distasteful and constrained, and religious instruction, with all its desirable consequences, was either neglected, or became inefficacious."

Thus early was the separate system adopted in England, and Britain, though for a time, as we shall observe, inconstant in pursuing it, yet may certainly assert the best claim to its discovery as a corrective punishment. Writers of other nations have urged their pretensions to the honour,* but we may well

* M. M. de Beaumont and de Toqueville, referring to the Code of 1791, say that it contained the *germ* (*le germe*) of this Penitentiary System. "L'art. 16 de la loi du 6 Octobre, 1791, porte : Toute condamné à la gène sera enfermé seul dans un lieu éclairé, sans fers ni liens : il ne pourra avoir, pendant la durée de sa peine, aucune communications avec les autres condamnés, ou avec les personnes du dehors." Voilà bien la théorie de l'emprisonnement solitaire ; c'est le système de Cherry-Hill (Philadelphie.)"—*Syst. Penit. Deux. Par. chap. ii.*

The reader having perhaps decided upon the rightful claimant to the honour, may be amused at the bolder tone of our American brethren. Wisely contending for improvement in the prisons of New York, the Prison Association of

esteem it of too much worth to be conceded, unless their claim can be established. It is remarkable, however, that in various countries men's perceptions upon this important subject seem to have been about the same time in a measure enlightened. It was the general dawn of prison reformation, and though subsequently, for a few years, obscured by the clouds of ignorance, avarice, and prejudice, we shall see that they have gradually been dispersed, that light on the subject has been diffused, however slowly, yet with happy effects, until a prospect now opens before us of this universal improvement in the management of our prisons.

Reverting to the progress of this system, we observe, that in 1821 the Milbank Penitentiary was completed for 1200 convicts. But here the plan of separation was very imperfectly carried out during the first ten years. Subsequently, however, on the remonstrance of the Governor and Chaplain, improved regulations were adopted, and the corrective effects were in proportion. At Glasgow likewise a

that city in their Report for 1845, page 89, say—" Let us instead of the silent or solitary system establish a great *American* system, embracing the distinctive merits of both, and avoiding their defects. An approximation to something of this kind seems to be now making at the Pentonville prison, near London ; and if *we* are not diligent in perfecting our system at home, we shall find it perfected for us abroad. Thus we may become indebted to a foreign people for *the model of our own system.*"

large bridewell was constructed a few years later with a view to the entire separation of criminals, and much good has resulted, although more might doubtless have been derived had the provision for moral and religious instruction been more adequate.

The Legislature, having now become increasingly alive to the general defective construction of our prisons, and of the almost universal demoralization which prevailed in them, a commission was appointed in 1832 to visit the Penitentiaries of the United States, in which, as we have seen, great improvements, both as respects the construction and management of prisons, had been effected, and in 1834 a most interesting report was addressed to the Secretary of State by W. Crawford, Esq., who was subsequently one of the Inspectors of Prisons for the home district. This, with the evidence adduced before the Select Parliamentary Committee, led to the correction of many abuses, and to great improvement in the government of prisons generally. To attain these ends the appointment of inspectors was a most effectual means, and one of their first and most important recommendations was, that a model prison should be erected, in which the system of separate confinement might be perfectly carried out; accordingly an Act was passed (4 and 5 Vic., c. 2, s. 29) "for the establishment of the separate system of prison discipline with all its essential requisites and safeguards, and for the building of a prison at Pentonville for exhibiting that system in full opera-

tion." Commissioners were appointed, and in a letter addressed to them by the Secretary of State for the Home Department, the class of criminals to be received into that establishment is thus defined :

" I propose that no prisoner shall be admitted into Pentonville without the knowledge that it is the portal to the penal colony ; and without the certainty that he bids adieu to his connections in England, and that he must look forward to a life of labour in another hemisphere.

" But from the day of his entrance into the prison, while I extinguish the hope of return to his family and friends, I would open to him fully and distinctly the fate which awaits him, and the degree of influence which his own conduct will infallibly have over his future fortunes. He should be made to feel that from that day he enters on a new career. The classification of the convicts in the colony, as set forth in Lord Stanley's Despatch, should be made intelligible to him. He should be told that his imprisonment is a period of probation ; that it will not be prolonged above eighteen months ; that an opportunity of learning those arts which will enable him to earn his bread, will be afforded under the best instructors ; that moral and religious knowledge will be imparted to him as a guide for his future life ; that at the end of eighteen months, when a just estimate can be formed of the effect produced by the discipline on his character, he will be sent to Van Dieman's Land, there, if he behave well, at once to receive a ticket of leave, which is equivalent to freedom, with a certainty of abundant maintenance, the fruit of industry ; if he behave indifferently, he will be transported to Van Dieman's Land, there to receive a probationary pass, which will secure to him a limited portion of his own earnings, and which will impose certain galling restraints on his personal liberty ; if he behave ill, and if the discipline of the

prison be ineffectual, he will be transported to Tasman's Peninsula, there to work in a probationary gang, without wages, deprived of liberty, an abject convict."*

The advantages already evident, and the very promising results of this more perfect system of separation and effective discipline, carried out in a building so completely adapted to its purpose, have already led to the erection or proposed reconstruction of prisons on a similar plan in the following places :—Reading, Aylesbury, Preston, Bath, Usk, Shrewsbury, Northampton, Wakefield, Kirkdale, Stafford, Winchester, Leeds, Manchester, Liverpool, Leicester, in Surrey, and other counties ; and when the foundation of a large prison now completed upon this benevolent plan was laid at Birmingham, a suitable address was delivered by the Recorder of that important town, an extract from which may suitably introduce an explanation of those peculiarities which distinguish the system of separate confinement.

“ It was necessary, as a beginning in the work of reformation, to separate those who were thus brought together, so that each should not act for evil upon his neighbour. That prison would, therefore, be conducted upon what was called the separate system,

* In succeeding pages, it will be proper to quote portions of the Reports already published by the Commissioners of this Prison. The establishment will be observed to differ from other Gaols and Houses of Correction, in that it is a place of probation for convicts, yet the discipline pursued is generally applicable to others.

but the audience must not for one moment confound this with solitary confinement. It has pleased the Creator to implant in man that feeling of attachment to society, that to be withdrawn from his fellow-creatures was a punishment, compared to which the torture, the rack, or the stake, were vulgar and inefficient. In that prison he would be withdrawn only from society which injured him ; he would be visited by officers chosen for their moral qualities, and by ministers of religion. He would thus be associated with all which could elevate him, and withdrawn from all that could degrade him."

The distinctive nature of this system has been so well described in works on prison discipline, and especially by the Inspectors of Prisons, that a clear explanation may be given by quoting their observations.

Sir T. Fowell Buxton, contrasting the associated plan then prevailing with the separate system, which he was anxious should be universally adopted, remarks that "The direct and inevitable tendency of the former is to produce misery and vice. It is also evident that the other system is merciful and wise. While it consults the health and suitable accommodation of the prisoner, it strikes at the roots of his criminality, his ignorance, idleness, and debauchery ; while it corrects his habits, it subdues his temper. By friendly admonitions and religious instruction, it awakens a consciousness of his former depravity,

and of its present and eternal consequences: it shews to him the value of a fair and reputable character, and encourages him in its pursuit, by proving that it is attainable even by him: it makes reformation possible. Thus, by giving a sense of religion, habits of industry and temperance, its tendency is to prevent misery and vice."—*Prison Discipline*, p. 183.

A more recent author observes:—

"I have had many opportunities of observing the working of the two systems of prison discipline, which are now chiefly in vogue. I have watched the *silent* industry of crowded companies in some prisons, and in others, have repeatedly visited the solitary cells in which criminals were at work at their respective mechanical arts, and in which they received the visits of their religious instructors. I could have rejoiced in the order of some of the former prisons, had I not marked the depression which dwelt on the countenances of their inmates, and discovered that the grand secret of this order is the ever-present whip. Nor could I conceal from myself that notwithstanding the prevailing silence, connections might easily be formed among the criminals, which could not fail, on their quitting the prison, to endanger society, and enlarge the sphere of crime. * * * When we speak of the '*separate* system,' we mean the system which *isolates* criminals in confinement, from their *fellow prisoners*. This meaning ought always to be accompanied by the understanding, that these wretched beings are never to be consigned to hopeless solitude, but are to be nurtured, instructed, helped, and cherished, by those who will set them a good example, and lead them, by the gentle hand of kindness, into the paths of sobriety, honesty, and peace."—*Gurney—Thoughts on Habit and Discipline*, p. 88.

And the King of Sweden, in his work previously

quoted, writes—"The Auburn, that is, the silent system, certainly accustoms the criminal to an instantaneous obedience, a punctual performance of the work appointed, and to the observance of the prescribed discipline ; but that his seeming improvement rests only on the fear of punishment, wherefore there is a danger of his relapsing into his former guilty way of life, so soon as he feels himself free from the keeper's lash. That the Philadelphian solitude acts more immediately on the mind, or on the origin itself of good or evil, and that the liberated prisoner takes with him the fruit of a useful self-examination, and of that inward warning voice, to whose correcting severity he has been left."—*Punishments and Prisons*, p. 57.

The Inspectors of Prisons for this district, describe yet more satisfactorily the nature and design of separate imprisonment, I embody some of their remarks as descriptive of the plan which is pursued in the prison at Reading :—First with particular reference to the untried.

We do not hesitate to declare our firm persuasion that there is no alternative between Separation and Contamination ; and that, with certain modifications, which greatly tend to divest the separation of a penal character, this description of prison discipline is admirably adapted to the treatment of prisoners before trial.

The application of the Separate System to the Untried has been opposed on the ground of its pre-

sumed severity. It is alleged that the unconvicted are thus placed in solitary confinement, and that but little distinction is observed in the treatment of the innocent and guilty. We beg, in reply, to remark that nothing can be more unfair than to confound the plan of individual separation, with the modifications which we recommend, with the vague and confused ideas which are generally conveyed by the terms, 'solitary confinement.' To remove, at once, this misconception, it is only necessary that we should explain the nature of the imprisonment which is enforced, in the case of the Untried, at those gaols in which the Separate System is in operation. The prisoner is placed in an apartment, at least 10 feet square, and 10 feet high; sufficiently large to enable him to take exercise. This apartment is well lighted, ventilated, and warmed: water is laid on; and, in the fitting up, every arrangement is adopted essential to the prisoner's health. To this apartment the prisoner is strictly confined by day and by night; nor is he allowed to leave it at any time, except for the purpose of attending divine worship in chapel. This seclusion, however, is broken by daily and stated visits of the governor, chaplain, surgeon, and other prison officers. The prisoner enjoys the privilege of seeing his friends; he has every facility for consulting with his legal adviser; he may send and receive letters; he is permitted to have unobjectionable books; he may receive suitable articles of food; and he has the option of any em-

ployment that can be conveniently furnished to him ; he is exempted from all discipline that is calculated to create irritation ; he is tempted to commit no violation of prison rules, and he is thus spared the infliction of prison punishments ; he is exposed to no quarrels ; he is protected from those ruffianly assaults (committed in every other kind of prison) which arise from the tyranny of the strong over the weak ; his mind cannot be tainted and demoralized by the relations of the burglar, nor his ears assailed by the language of the blasphemous and obscene. And in what respect can this treatment be considered as an aggravation of the suffering necessarily attendant on his confinement. Whatever tendency this seclusion may have to render imprisonment irksome, is materially diminished by the visits of officers, by communications with friends, and by manual occupation, if the prisoner desire it. Under such circumstances, a prisoner, who is inclined industriously to employ himself, will feel less discomfort than under any plan of association and idleness.

The condition of an untried prisoner, under this, or, indeed, any system of confinement, is, no doubt, one of considerable privation, and, in many instances, one of actual suffering ; but it must always be borne in mind that, in estimating the character of the System of Separation, a comparison is to be instituted, not between a state of imprisonment and that of liberty, but between one mode of confine-

ment and another ; and the application of the Separate System to the Untried is to be regarded as harsh or humane, according as the hardships which it inflicts are greater or less than those imposed by the discipline of the Silent System, or by the unrestrained association which prevails in those places where neither the separate nor the Silent System is in operation.

If the system of unrestrained association, which usually prevails in the case of untried prisoners, be adopted, the suffering is great to any man not lost to every sense of shame or decency. Not only are his ears assailed by the most revolting language, and his feelings outraged by scenes of the most degraded profligacy, but, unless prepared to endure the raillery, insults, and not unfrequently the violence, of his companions, he is compelled to participate in vices from which his nature recoils, and which, on his entrance, he must contemplate with horror. In fact, he is reduced to the alternative of being an accomplice or a victim.

To make a practical comparison of the systems, we would put it to the calm judgments of those who object to separation on the ground of its severity, whether, in their own case, or in the case of those in whose welfare they are most interested, (should they, by any misfortune, be accused of a crime for which they were required to await a trial,) they would not infinitely prefer a System of Separation, mitigated and modified as it is in the case of un-

tried prisoners, and conducted in the manner we have already described, either to the harshness and exposure of the Silent System, or to the degradation and depravity of unrestrained association.*

It is not, however, fair to form an estimate of the prisoners throughout the kingdom by the dissolute habits and degraded character of the inmates of the London gaols; and we may feel assured that, although the seclusion might not be acceptable to persons committed for trial, who have been often before in gaol, there are few prisoners not absolutely hardened in crime, especially of those having decent connexions, and committed on suspicion of a light offence, by whom the privilege of being separated from other prisoners would not be readily preferred.

Let it not be supposed that this assertion is made upon mere supposition, or that such an opinion is founded upon a false estimate of our prisoners' feelings. It is a point upon which I speak with confidence, because I have proved its truth. If, indeed, the poor depraved, ignorant culprit be asked, immediately on his committal, whether he would prefer the loneliness of a cell to the companionship of fellow-prisoners, seldom would the former be chosen. But let wisdom and mercy, in the first place, decide for one, whom, if justly supposed

* See Quotation from *Memoirs of Mrs. Fry*, vol. ii.

chargeable with crime and folly, we may surely also presume to be incapable of a wise self-control, or of prudently judging for himself: and when he has been for a short season confined to his cell, and has a little reflected, and has begun to feel the power of corrective discipline, then let the question be put to him, and the choice will be to remain alone, however in some respects painful, rather than to be placed in society like that which has been the probable cause of imprisonment. Let me here refer to the answers of those prisoners whose very words, in reply to such enquiries, I have given, as affording evidence almost conclusive on this interesting question.*

The same aversion elsewhere prevails amongst all but the most abandoned. It is not long since, that in conversation with M. Gustave de Beaumont (from whose invaluable work I have given several extracts,) I mentioned that so many of our prisoners preferred the separate to the associated system; he observed, "I can give you a fact, showing that in France the same feeling exists amongst the better class of prisoners. You are aware that criminals convicted and sentenced to a term of imprisonment exceeding twelve months, instead of being detained in the prisons of a particular province, are transferred to a prison of the State. I was, a few days since, visiting the new prison at Tours, which is conducted on the separate system, where I found

* Appendix to Report, 1845, vol. ii.

three men whose sentence of imprisonment was eighteen months ; and, on inquiry why they had not been removed, I found that they were prisoners of promising character, who had so earnestly begged that they might remain under separate confinement, instead of being placed amongst vicious companions, that their desire had been granted."

The writer of the article on Prison Discipline, in the *Encyclopædia Americana*, had been himself subjected to the punishment of separate imprisonment. His observations, therefore, on this question are of much value ; they are the testimony of experience. He writes—" We have asked many prisoners in permanent solitary confinement whether they would like to be placed with others ; and they have almost invariably answered that they considered it as the greatest privilege to be alone in the prison. It ought not to be supposed that solitude bears so hard upon the mind of the prisoner, that he would exchange it for any other situation which would bring him into contact with other human beings. When the writer, after an imprisonment of eight months, was offered the company of another prisoner in his cell, confined also on political grounds, he refused the offer, though it was repeated at several different times. If the prisoner has made any step towards reformation he always will wish to remain alone."

The foregoing remarks are justified by the following extract from the Report of the Select Com-

mittee of the House of Commons on Secondary Punishments, which was presented in 1832. Complaining of the Gaol Act, 4 Geo. IV., it is said—

“ In the case of untried, it must associate the most hardened offenders with those who may be guiltless of crime, and that even an innocent man sent for trial can hardly escape contamination. Your committee are of opinion that none but a moral classification can be effectual, but they fear that the difficulties which stand in the way of such a classification, whether as regarding prisoners before or after trial, are nearly insurmountable. If such be the difficulty of establishing an effective system of classification, your committee see no alternative but that of the separation of prisoners, both before and after trial. * * * They are aware that a proposal to inflict on prisoners before trial any restraint beyond what may be necessary for their safe custody, is likely to shock the opinions of many who may be disposed to consider it in the light of punishment inflicted without proof of delinquency; but your committee are of opinion that such a separation of prisoners should be regarded rather as a boon than a punishment. Not only will the evils already detailed be avoided, but even with reference to the comfort of the prisoners it may, in most cases, be considered an improvement, since to those not hardened in crime the association with the reckless malefactor, and the horrors of such companionship, must prove an infliction ten-fold more severe than the partial seclusion to which it is proposed to subject them. All the witnesses examined on this subject agree in this opinion.”

M. Ducpetiaux, the zealous Inspector of Prisons in Belgium, observed at the Frankfort Congress—“ In Belgium as at Geneva, the first thing generally asked by the newly arrived prisoner, who *has still*

some feelings of honesty, is to beg as a favour that he may be separated from criminal companions. It is the only means, say they, of correcting us."

The following testimony was also given by M. L'Abbé Laroque :—“ For a long time we have partaken of the fears of a great number of men opposed to the cellular system. Of ourselves we should not have dared to maintain such an opinion ; it is the prisoners themselves who have taken care to show us the inevitable necessity for it ; the half at least of the prisoners ask the favour,—the benefit (these are the words they use) of a cell. At the Bagne de Rochfort they have gone further ; and for want of cells, they have asked for separation in a dungeon.*

* See *Observations of a Convict*, vol. ii.

Whilst this sheet has been in the hands of the compositor, an interesting debate in the House of Commons on the subject of which it treats has most forcibly shewn the necessity and the duty of endeavouring to impart the information it contains. Last night, (Feb. 10, 1848,) Lord Nugent “ moved for leave to bring in a bill to repeal so much of the Act of 2nd and 3rd Victoria as gave power to inflict separate imprisonment upon persons committed for trial, a power which appeared to be inconsistent with every principle of general justice, and with the whole spirit of our criminal code.” His Lordship, in a long speech, with much force and humane feeling, endeavoured to prove the supposed inconsistency. But the reply of Sir G. Grey (as Secretary of State for the Home Department) was so satisfactory and successful, that the hon. member (Dr. Bowring) who seconded the motion, at its conclusion rose and said—“ He had been much struck by the statement made by that right hon. gentleman,

It has often been suggested that since separation is thus preferred by many, the liberty of choosing might be allowed to the unconvicted prisoner. The voluntary seclusion, it is said, would mitigate the apparent severity, and take away that semblance of injustice which attends his compulsory and painful separation. The humane but mistaken advocates of such a measure, whilst led by the legal presumption of a prisoner's innocence until convicted, overlook facts which ought in this question to be most carefully considered. The great majority of prisoners for trial are guilty. The verdict which alters their condition has not changed their character. They were criminals before, and if associated must have still more corrupted each other. But whilst few would contend for such intercourse, it is too commonly forgotten that the law must contemplate *all* as innocent before proved otherwise, and that its provision for the accused must be in every case the same. It cannot in this matter recognize circumstances or respect persons. It cannot favour one

whose argument had changed his *previous convictions* on the subject, and therefore upon the whole he recommended his noble friend not to press his motion."

Lord Nugent, "after hearing the general tone of the speech, and observing the general feeling of the House," asked leave to withdraw the motion.

[Although, as stated by his lordship, the writer of this work "differs entirely from him on the question," he deaires gratefully to acknowledge the kind and complimentary manner in which reference was made to him.]

culprit with a cell because he preferred to be alone, and force the occupation of a cell upon another because he is unfit to be in society, when at the same time it avowedly looks upon both as alike faultless.

The legal presumption, but really moral fiction, that every man is innocent until convicted, as affording the inference that such ought not to be subjected to reformatory discipline, was ably refuted in the speech to which reference has been made in the foregoing page 138. In that speech Sir Geo. Grey observed—

“ The fallacy which his noble friend laboured under was this,—he conceived that this system, as applied to untried prisoners, was applied as a penal system. But it was not applied to them as a penal system, but as a most beneficial and highly protective system. His noble friend thought that the power vested in the visiting magistrates, to subject untried prisoners to this system, was a most unjust and monstrous power, and his noble friend had defended that proposition upon the maxim that a person committed to prison was, in the eye of the law, held to be innocent until he was convicted. Now, he (Sir G. Grey) was quite ready to admit the truth of that maxim; and there was an essential difference always made between the treatment of prisoners who had been convicted and those who had not, and who were awaiting their trial. But surely his noble friend did not mean to say, because persons who were detained on a charge of having committed an offence were, previously to their trial, held in the eye of the law to be innocent, that, therefore, they were to be treated in all respects as innocent persons? When a man was charged with having committed murder was he not arrested, was he not torn from his family, and subjected

to a deprivation of his liberty, and required to conform to the rules of the prison to which he was committed ? All these proceedings were perfectly consistent with the old system, when prisoners tried and untried were indiscriminately mixed together, without any classification whatever ; a system fraught with so many evils that the Legislature had discarded it altogether. The act which his noble friend would in part repeal, was the result of an inquiry into the abuses of the old system ; and that act substituted a system of classification which had been approved of by men of all countries. His noble friend had said, that they had no right to apply a reformatory system to untried prisoners. He must say, that that was the most extraordinary doctrine he had ever heard upon this subject. Persons charged with the commission of crimes were necessarily detained in prison, and his noble friend maintained that, while so detained, no regard whatever should be paid to their moral state or condition, and that they stood in no need of moral discipline. His noble friend must have overlooked altogether from what class of persons convicted prisoners came. Did not the convicted prisoner of to-day belong to the class of untried prisoners of yesterday ? If the convicted prisoner required discipline, did not the unconvicted prisoner also ? Could the unconvicted of yesterday, but the convicted of to-day, have been so absolutely free from all habits of vice and corruption as not to require to be placed under any reformatory process ? The whole object of subjecting untried prisoners to separate imprisonment was for their own good, and to protect them from that contamination which must arise from a want of such separation ; in fact, it was an arrangement which must be applied, if any system of classification were adopted.

The supposed hardship of subjecting an untried person to imprisonment of a penal or reformatory nature, has been the most plausible objection which

opponents have urged against the separate system. It has been represented as unjust, and as opposed to the spirit of British law. We may contend on the other hand, that it is in strict accordance with sound principles of justice and jurisprudence. Let us suppose the case of an innocent person (for it is in consideration for such that the objection is urged). He has been falsely accused. There are grounds of suspicion, and he must be imprisoned. Abstract justice is indeed hereby violated. The very detention of such an one until his guilt or innocence be decided is a violation of justice. But it is an injury consequent to our imperfection. The law of fallible men is like themselves, imperfect, and liable to inflict injury, and this it has done in the case of every acquitted prisoner. The real question, then, as respects imprisonment is, by what system is this injury least *aggravated*? We have seen that separation, notwithstanding its painful character, is preferred by the innocent and the penitent. These are the only deserving classes, and to sacrifice them for the sake of hardened criminals would, indeed, be an act of injustice, and a gross increase of wrong which none could defend. And here let us observe, what would be the necessary consequence of allowing the unconvicted that choice to which we have referred. The innocent choose to be alone. The inference, therefore, is plain, that in permitting others to associate we could only provide for the intercourse of *criminals*, and thereby ensure their further demoralization.

zation. Truly this is unjust, both to the individuals and to society, which must also suffer. But let us suppose the case to be otherwise, and that some weak-minded culprit should be wrongfully committed, and should choose to be in company during his detention for trial—I say *weak-minded*, because we have full warrant for asserting, that a wise and good man will be better “satisfied from himself”—such choice, then, must result either from weakness or wickedness. We suppose the former; then, surely the State should, in compassion, decide for one *incompetent*. That weakness of judgment, perhaps only temporary, and probably occasioned by grief arising from false accusation, might cause an innocent man to make a choice for which he would ever afterwards reproach himself. But how soon amidst vicious companions would that man be corrupted, and how certainly in such case would the State be accessory to an injury, compared to which the utmost punishment of even solitary confinement would be compassionate and just. In the one case it could but be cruel, and kill the body; in the other it would corrupt, and, as much as possible, prepare both soul and body for Hell.

Some, alarmed at the contamination of promiscuous intercourse, would place all who had been *previously convicted* in separate confinement. But without insisting upon that appeal to the jury which is properly required before the identity of the convict is decided, in how many cases in

which the accused has been repeatedly in prison, such a fact cannot be even suspected when the culprit is committed, and if discovered at all, probably not until, if such a plan were pursued, much evil communication had taken place, and the innocent had been thus corrupted. On the other hand, I could describe instances in which even criminals of this class have derived much profit from their cellular imprisonment before trial. I copy from my journal a case of recent occurrence.

A man of very respectable appearance called upon me to-day (July 25th, 1847), whom I did not recognise until he told me that his name was _____. He was in prison about twelve months since, on a charge of horse-stealing ; but after two months' detention he was discharged, "No Bill" having been found against him. With much feeling he said, "I am come to thank you for the instruction I received ; it was the best thing that ever happened to me, my being sent to prison, for I knew very little before of what was right, and was going on very badly, and that stopped me." This culprit had been, before his committal, a man of most dissolute habits. Although he had received a better secular education than most, yet he could not repeat the Lord's Prayer, and knew very little of any religious truths. Thus separate imprisonment before trial not only preserved from further demoralization, but prevented the return of the accused to a course of life which must have led to speedy conviction.

So often is the system we advocate confounded with *solitary* imprisonment, that it is important to explain the distinction as clearly as possible.

Separate confinement differs from solitary confinement both in its *nature* and in its *design*. Solitary confinement is universally and correctly understood to be a condition of as unmitigated, uninterrupted seclusion from human society as is practicable: often in dark or gloomy cells of small dimensions, ill-ventilated, often damp, and destitute of those accommodations necessary for the prisoner's convenience; his diet being generally restricted to mere bread and water. Separate confinement, as we have said, is totally different in its *nature* from this. It differs from it in the following particulars:—In providing the prisoner with a large, well-lighted, and well-ventilated apartment, instead of immuring him in a confined, ill-ventilated, and dark cell;—in providing the prisoner with every thing that is *necessary* for his cleanliness, health, and comfort during the day, and for his repose at night, instead of denying him those advantages: in supplying him with sufficient food of wholesome quality, instead of confining him to bread and water:—in alleviating his mental discomfort by giving him employment:—by the regular visits of the officers of the prison, of the Governor, Surgeon, Turnkeys, or Trades' Instructors, and particularly of the Chaplain, instead of consigning him to the torpor and other bad con-

sequences of idleness, and the misery of unmitigated remorse, resentment, or revenge :—in separating him from none of the inmates of the prison, except his fellow-prisoners, instead of cutting him off, as far as may be, from the sight and solace of human society :—in allowing him the privilege of attending both chapel and school, for the purpose of public worship, and education in class, (securing on those occasions his complete separation from the sight of his fellows) instead of excluding him from Divine service and instruction :—in providing him with the means of taking exercise in the open air, whenever it is proper and necessary, instead of confining him to the unbroken seclusion of his cell. Separate confinement also differs from solitary confinement in its *object*. The object of separate confinement is the permanent moral benefit of the prisoner—an object which he can plainly see that the system has in view. The object of solitary confinement is solely to punish the prisoner, principally for violating the prison regulations, and that too by means always harsh and severe, and often vexatious and exasperating ; and this not to effect a lasting moral benefit for himself, but to uphold the prison discipline at the price of severe bodily and mental suffering. Under the separate system an appeal is made to the moral sense and understanding of the prisoner ; he is treated as a man, and with the respect and benevolence due to humanity, even in its lowest debasement. Under solitary confinement, on the

other hand, the offender is treated as a being divested of the common rights, capacities, and feelings of human nature. It is upon his corporeal frame that the punishment is designed to act; no attempt, or but little, is made to appeal to his reason and conscience. This treatment tends to harden, provoke, and brutalize; whereas, the other is fitted and designed to induce reflection, kindness, gratitude, and amendment. In short, separate confinement is the separation of each offender from all communication and association with his fellow-offenders, regard being had to his bodily health, his mental sanity, his intellectual improvement, and his moral amendment, by inculcating industrious habits, and by religious and moral instruction. Solitary confinement is the seclusion of the prisoner, as far as is practicable, from all human society, attended with privations both bodily and mental, which are intended merely to inflict punishment, to subdue obstinacy of temper, and to uphold authority by the operation of pain and fear: it employs harsh measures to effect a temporary purpose.

From these statements respecting the design of separate imprisonment, and the regulations under which it is established, which are adhered to as nearly as possible, it surely must appear to be not only a vast improvement on past times, but a plan of discipline most wise, humane, and just. Such a description might lead to the belief that it would be sanctioned and recommended by those whose wis-

dom, benevolence, and justice, have been most conspicuous ; and such has been the case to a remarkable extent. In the foregoing pages, or in those which follow, we give the advice and approval of Butler, Paley, Howard,* Wilberforce, Romilly, and others, besides many living Philanthropists, to whom posterity may refer with admiration similar to that with which we regard those venerable names. Of these, a large proportion have visited the County Gaol, at Reading, and have been almost unanimous in expressing their unqualified approbation at the system of separation most strictly, but with much kindness there enforced. One or two visitors, indeed, after a cursory glance, and very little examination, have expressed contrary feelings ; but opinions thus hastily formed, and which it is probable that more particular inspection and more careful enquiry would have corrected, can be entitled to little weight when opposed to the more deliberate judgment, which is the result of cautious observation and experience.

* As a further remarkable proof of Howard's approval of this system, we may observe that when, in 1788, a new prison was building at Manchester, the following was inscribed on the foundation stone :—

"THAT THERE MAY REMAIN TO POSTERITY A MONUMENT OF THE AFFECTION AND GRATITUDE OF THIS COUNTY TO THAT MOST EXCELLENT PERSON, WHO HATH SO FULLY PROVED THE WISDOM AND HUMANITY OF THE SEPARATE AND SOLITARY CONFINEMENT OF OFFENDERS, THIS PRISON IS INSCRIBED WITH THE NAME OF JOHN HOWARD."

I cannot close this chapter without expressing regret that we may not mention, amongst the decided advocates of Separate Imprisonment, one whose pious energy, and ever active benevolence, accomplished so much in the cause of prison reform. I allude to the late Mrs. Fry. The amiable character and holy exertions of that excellent woman, whilst they deserved all praise and ensured to her the love of every christian, imparted an influence to her opinions which they would not otherwise have possessed. But though the universal love she displayed, and which shone with such fervour upon the very lowest of our species, still enkindles and keeps alive a like feeling towards herself, yet the ardour of that affection must not dazzle our understanding, nor allow us to suppose that one, who, in the more important concerns of religion and church government, deliberately made choice of a creed so erroneous, and preferred a society of christians in which discipline is so grievously unscriptural and defective,* could be other than a fallible adviser on questions of criminal law and penal discipline. There is, however, so much that is instructive and valuable in her remarks that, in a subsequent part of this work,

* Let me not be supposed to speak uncharitably of the Society of Friends, to whose efforts as a body we owe very many of the earlier improvements in our gaols, and amongst whom a spirit of philanthropy has been so generally conspicuous. But whilst I admire their character, I cannot approve their creed.

I shall give copious extracts from her recently published memoir; and I think shew that, notwithstanding some objections, had Mrs. Fry witnessed the operations and effects of separate confinement as pursued at Reading, and in similar prisons, it would have been our pleasing duty to have enrolled her amongst the approving philanthropists we have named.

CHAPTER VII.

THE DAILY ROUTINE.—DUTIES OF OFFICERS.—PRISONERS' OCCUPATIONS, ETC.

IT is hoped that sufficient has been said to remove any unfavourable impressions which prejudice might have created, and to prove that separate confinement is not a system of cruel severity, but rather of humane and most merciful correction. That it is imprisonment which, whilst it prevents offences by punishing criminals, promotes at the same time the advantage of the individual offender, and the welfare of society by improving his character.* If the effort of the writer has been thus far successful, increasing interest will have been excited concerning those, in some respects unhappy, but no longer to be pronounced hopeless culprits, who have been committed to a prison constructed in accordance with this principle, and are subjected to discipline suited to accomplish such a purpose. It is proposed then in this chapter to trace the criminal from his reception within the prison gates to his occupation of a cell, exclusively his own ; and to describe the subsequent employment in which his appointed time is spent.

* *Nemo prudens punit, quia peccatum est, sed ne peccetur. Res enim optima est, non sceleratos extirpare, sed scelera.*—*Seneca, de Moribus.*

On the prisoner being conducted to the inner gates of the gaol, his commitment having been examined by the officer in attendance, and the doors being closed, the constable is no longer responsible for the safe custody of his charge. Escape, either by violence or cunning, being next to impossible, handcuffs and irons are now removed ; the person of the prisoner is searched, and all things taken from him which would be either useless or injurious to him whilst in confinement.* He is then lodged, for a few hours at most, in a reception cell, there to await the inspection of the Surgeon, who daily visits the prison. This examination having been made, the prisoner is next led to the baths, being shewn, as he passes, the dark cells, which, as a preventive to breaches of discipline, he is kindly forewarned are provided for the punishment of the refractory. Whilst allowed the needful indulgence of a warm bath, his own clothes are removed† to be fumigated, and laid up until his liberation, and he is provided with all requisite apparel at the expense of the

* These are sealed up, and restored to the prisoner when the period of his confinement has expired, unless the culprit should be convicted of felony, in which case all money or articles of value are forfeited to the crown.

† Prisoners committed for trial are permitted to wear their own clothes before conviction, if they prefer doing so, (unless for the ends of justice it may be necessary to preserve them, that the accused may be identified), but few, however, avail themselves of this license.

county. The process of cleansing and clothing having been completed, the prisoner is next conducted to his appointed cell; if for trial, in a wing which is distinguished as the Gaol, in which safe custody alone is the object sought and ensured; or if convicted, in some part of the House of Correction. The cell being furnished with books, &c., as before described, the inmate finds relief in his seclusion, means of improvement are at once within his reach, some profitable employment, as will be hereafter shewn, is permitted, and the diligent occupation of time, though not enforced, is encouraged.

Supposing the prisoner to have been lodged in his cell towards the evening, and to have retired to rest at the appointed time, the following routine prescribed by the Visiting Justices will afford a general idea of the manner in which the succeeding day will be spent, and will also shew the various duties of the subordinate officers of the establishment:—

TIME

5h. 30m. a.m.—The Warder on night watch to ring the bell for officers to rise.

6h. 0m. a.m.—Unlock: prisoners to open and shake their bedding, wash themselves, clean cells and corridors, and roll up hammocks. Officers in charge of basement, to see that outgoing prisoners are dressed in their own clothes, and that the prison clothing is returned to the storekeeper immediately.

8h. 0m. a.m.—Assistant Warders and prisoners breakfast.

8h. 30 m.a.m.—Principal Warders breakfast (and the two officers who have taken the night watches.) Prisoners all under lock.

9h. 0m. a.m.—All Warders attend muster in central hall, and make reports to Deputy-Governor.

9h. 10m. a.m.—Bell for chapel. Porter to attend in front court, when female prisoners go out and return from chapel, with veils down, and five paces apart to prevent communication. Storekeeper to attend in north corridor; Clerk at entrance to chapel; Warders to see male prisoners proceed in silence, five paces apart, with peak of caps down. Two officers to remain out of chapel to inspect cells and all parts of their divisions internally.

10h. 0m. a.m.—One officer with detachment of prisoners ^{After Service.} at pump; one ditto ditto in airing yard, with the prisoners' bedding in dry weather; one going rounds with the Surgeon; three on duty in corridors; one on duty with Schoolmaster's chapel classes; and one ditto in garden. Prisoners not at pump, in airing yard, or under instruction, to continue working at any trade they may have been used to, for the service of the gaol, tailoring, shoemaking, knitting, picking coir, and cleaning prison generally.

12h. 0m. a.m.—The Assistant Warders and prisoners dine, during which time the Governor will visit every cell, together with the Principal Warders, to hear complaints.

12h. 30h. a.m.—Principal Warders collect dinner tins and knives in A. and C. 1. wards.

1h. 0m. p.m.—Principal Warders dine, and Assistant Warders return to duty, collect dinner tins and knives in the other wards, then proceed with the usual duties.

2 till 6.—The greater part of the above routine will be continued ; to which is to be added the receiving, dressing, and bathing in-coming prisoners ; removing their clothes to the fumigating room and store room ; cutting the prisoners' hair ; supplying them with razors and hot water ; shaving them when sick ; attending prisoners when visited by other ministers, or their friends or solicitors ; and when cleaning the prison generally.

6h. 0m. p.m.—The prisoners will be supplied with supper.

7h. 30m. p.m.—The Warders will remove tools, &c.

7h. 45m. p.m.—Bell to be rung to prepare for bed.

8h. 0m. p.m.—Bed.

In winter the bell to be rung for officers to rise half an hour before daylight ; at daylight the prisoners to rise ; officers to light and put out gas.

As a general outline, the details of which must be worked out as circumstances permit. Prisoners who can read will be furnished with proper books ; and may be occupied by committing to memory useful passages, as a safe and not unprofitable employment of the mind. Those who cannot read

will have the opportunity of learning ; and advantage may be taken of every prisoner's previous handicraft ability for the general advantage of the establishment, while for others there will be the ordinary labour necessary for prison cleanliness. It is understood that the great principle in view in these arrangements is the non-intercourse of prisoners, so as to prevent moral contamination, or the means of concerting escape.

By order of the Visiting Justices.

I trust that much more is accomplished than has been expressed in the concluding sentence of this order. Perhaps as we proceed with the proposed description of the particular employment of individuals ; the plans pursued for correction, and opportunities for improvement, may more evidently appear.

6h. a.m.—Having been called from his bed at this appointed time, dressing, the arrangement, and cleansing of the prisoners' cell, &c., may occupy about an hour and a half, he has, therefore, before breakfast, and during the interval of breakfast and attendance at chapel, a considerable portion of time at his own disposal. This is generally spent in preparing some lesson for the schoolmaster, which the prisoner has been recommended, but not compelled to learn.

9h. 15m. a.m.—At this time the prisoner will attend Divine Service in the chapel. The service

consists of the greater part of the appointed morning prayer, the psalms for the day, and a short exposition, either of the lesson, or of some other portion of scripture. As a means of insuring attention, it is the practice of the Chaplain to question the prisoners on the subjects particularly referred to when he afterwards visits their cells ; the advantage of which will be hereafter shewn.

From 10 till 11 a.m.—The prisoner will either be taking exercise in the airing yard, or will be employed at the pump.

From 11 till 12 a.m.—On alternate days great part of this hour will be passed in receiving instruction, with a class, from the Chaplain. At this time, attention is directed to subjects of morality and religion, which can be illustrated and explained in a more familiar manner than would be consistent with the solemnity of Divine Worship ; and the advantages of catechetical instruction are also afforded by this attendance in class. It is often found that the ignorant* learn more from the simple answers of their equals, than from any explanation of their superiors, and a habit of attention is also thus induced. On days when the prisoner is not thus occupied, this hour is spent either in cleansing the prison, or with some employment in his cell.

* I have referred particularly to the ignorance of prisoners in the Reports, vol. ii., by which it will be seen that the services of the church, and the Scriptures generally, are but little understood by the majority when first committed.

From 12 till 1 p.m.—Dinner, &c.

From 1 till 3 p.m.—The prisoner, if unable to read, will, during part of this time, receive instruction in class from the Schoolmaster. He will also be visited in his cell by the Chaplain twice in the week, and the intervals between the instruction thus given will be spent at the work which has been allowed.

From 3 till 4 p.m.—Some exercise in the open air.

From 4 till 6 p.m.—Visited by the Schoolmaster in his cell; lessons repeated, and privately taught writing, arithmetic,* or some instruction calculated to improve the mind, or to be of advantage in future life: intervals occupied as above.

Six p.m.—Supper. The remaining space until bed-time allowed for mental and moral improvement exclusively.

It will be observed from the above particulars that a large proportion of the prisoner's time is

* The Chaplain feels that much discretion ought to be used in communicating this extent of secular knowledge to criminals. Such instruction might prove injurious, both to the culprit himself, and to society: and should no change of character be effected, these consequences must follow,—He would but become more wise to do evil. It is only, therefore, when the feelings and conduct of an offender give the hope of his reformation, that instruction, beyond that of teaching to read, is imparted. As a general rule, further instruction is afforded when considerable portions of Holy Scripture are committed to memory with apparent pleasure.

spent in seclusion, and that such time is at his own disposal. The advantages attending and resulting from that privacy will be evident from succeeding pages; the manner in which the time is spent is shewn to some extent in the Reports, (vol. ii.) and may further appear in the following chapter, in which the subject of labour will be considered.

CHAPTER VIII.

PRISONERS' EMPLOYMENT.—THE TREADMILL INJURIOUS.—EVIDENCE OF MRS. FRY, COLONEL CHALLONER, MR. BARON ALDERSON, W. MERRY, ESQ.—TREADMILL ABANDONED AT READING.—ADEQUATE PUNISHMENT PROVIDED.—REMORSE MORE PAINFUL THAN BODILY SUFFERING.—EVIDENCE OF THE LORD JUSTICE CLERK OF SCOTLAND.—LIGHT EMPLOYMENT UNSUITABLE.—AN ILLUSTRATION.—INDUSTRIAL TRAINING.—SYSTEM OF PERTH AND READING PRISONS CONTRASTED.—AN EXAMPLE.—PUNISHMENT MITIGATED BY LABOUR.—MANY COMMITTALS TO HEREFORDSHIRE PRISON.—SECLUSION IN CELL DREADED BY VAGRANTS.—MORE PUNITIVE THAN HARD LABOUR.—OPINION OF GOVERNOR OF BRIXTON HOUSE OF CORRECTION, HOWARD, BUXTON, MR. CRAWFORD, MR. ESTCOURT.—IDLENESS CORRECTED BY THE SEPARATE SYSTEM.—TESTIMONY OF SIR G. O. PAUL, M. M. DE BEAUMONT AND DE TOQUEVILLE, DR. JULIUS, DEPUTATION FROM FRENCH GOVERNMENT, A RESIDENT IN PHILADELPHIA, INSPECTORS OF PRISONS.

If the object of imprisonment has been correctly stated, and that system of prison discipline which combines improvement with punishment be acknowledged most salutary and just, the manner in which the time of the prisoner should be spent, and particularly whether hard labour should be enforced, must be considered with reference to its penal effects, and its corrective tendency. The question has been treated of to some extent in the report annexed;

and in a preceding chapter reference has been made to the subject of tread-wheel labour, of which it may be repeated, that as a *mere punishment*, a means of inflicting pain, there can be little doubt of its power. Yet surely a punishment more unfair never was inflicted, inasmuch as its severity must depend more on the physical condition and previous employment of the prisoner, than on the nature of his crime, or the depravity of his character. Often will the incorrigible offender, whose repeated committals have habituated him to the tread-wheel's motion, be subjected to a penalty far less painful than the novice in crime, sentenced to suffer for his first offence. It has also been shewn to be destitute of any corrective influence; and the following evidence may still further prove the injustice and inequality of such a penalty, inasmuch as the injury sometimes to the body, and always to the character of the criminal, extends beyond the period assigned for punishment. I felt it my duty to represent a few years since that the emaciated condition to which some prisoners were reduced by labour and irritation on the tread-wheel, was certainly injurious to the mental faculties. The following testimony as to the effect on the bodily system was given to the Select Committee of Parliament on this subject:—" In some respects I think there is more cruelty in our gaols than I have ever before seen; in some places they tread the wheel now ten hours, and I have found one ten and a half, which is

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beyond the Act of Parliament, and their diet appeared very poor ; but the state of things was such that on looking to the prisoners, I said to the gaoler I was confident from their countenances and their pallid appearance that the men were suffering from their situation, and that my opinion was that they would be unable to return to their work and avocations in the country to labour for their living. He said, ‘ You are right there ; we have had several instances ; one man was in that state that he could not walk from the prison ; we were obliged to get him a conveyance.’” And as respects the lasting evils of the demoralization produced by such a punishment, the following additional evidence, adduced before the same committee, is most important :—“ The part I am most anxious to impress upon your Lordships’ Committee is the great advantage that would accrue in all the country parts of England, but particularly in the neighbourhood of those parts of Surrey and Berkshire where I live, if it was in the power of the magistrates, in summary convictions, instead of sending to the tread-mill, to send a prisoner into solitary confinement, as it often happens that a young man, probably for his first offence, who may have been a little irregular with his master, is brought before the magistrate for a minor offence, and if the young man is sent to the tread-mill he is sure to come back worse than he went ; if he could be sent to a quiet cell and solitary confinement, the young man would

come out better than he went in, and the farmer would be glad to take him again into his service ; but now they say that the contamination of the tread-mill is such as to prevent his being taken again, and in consequence of this, usually, he goes up to London, and becomes a rogue and vagabond, or professed thief."—*Colonel C. B. Challoner.*

"I have known an instance," says Mr. Baron Alderson, in his recent evidence (1847) before the House of Lords, "in which a regular plan for a robbery, which took effect, and was tried before me, was laid in one of what is called our best regulated gaols, *and on the treadmill.* The instrument there was a boy, and the principals were adult thieves."

Forcible as these arguments must appear against such a means of punishment, yet a still more powerful reason for its discontinuance is afforded in the advantages which attend an opposite method of treatment. These are obvious to all who examine the working of our present system, and scrutinize its effects. The Visiting Justices have in a most satisfactory manner expressed their conviction on this subject ; (see Report, Vol. ii.) and a magistrate, who has given much time and attention to our system, very carefully watching its operations from the commencement, writes thus :—" We have no tread-wheel, nor anything approaching to hard labour, except a pump worked by ten men, for which two would suffice. But the apprehension I once entertained, that we must have a mill, is yield-

ing to experience. We have converted the inner area of the prison into a garden, which is cultivated by the prisoners in turn. They have other exercise in separate yards. They pick a little oakum, and they learn to knit. But the great object with us is such study as may lead to reformation of character ; and if instead of mere punishment, and the irritation and revenge which follow the tread-mill, and other merely coercive measures, we can teach men sorrow for the past, and show them how to convince themselves that honesty is the best policy, the purpose of imprisonment in the deterring from crime is answered." *

Although the tread-wheel has been entirely abandoned, still I regret that one class of our prisoners is subjected to compulsory labour. The number of female convicts has been less than in former years, and the consequence has been, that the washing, &c., for the establishment, which females are obliged to perform, has given them almost constant and arduous employment. Upon these it is evident, and has been remarked, that the imprisonment does not produce equally good effects, and several have been re-committed.†

But whilst a punishment so unjust as that of

* Letter to the Magistrates of Warwickshire.

† Since the above was written, the Visiting Justices have been induced to order that a portion of the washing be performed by the male convicts ; and the advantages of such a regulation have been plainly seen.

labour on the tread-wheel is rejected, no false views of humanity are adopted.* The force of a remark by the Sovereign, who has been before quoted, is acknowledged and acted upon:—"Humanity enjoins that punishments ought not to be humiliating ; Justice demands that they should be serious." It must not therefore be supposed that separate imprisonment is a system of impunity, affording a sanction to contempt of law, or lax notions of morality, and thereby endangering society.† On the

* "Le nouveau système nous semble avoir été conçu dans le dessein d'éviter les excès qu'on lui reproche : dégagé des rigours qui ne sont point nécessaires à son succès : exempt des adoucissements qui ne sont réclamés que par une philanthropie mal entendue."—*Système Pen. Deux Par. ch. II.*

† The learned writer of an article in the *Quarterly Review*, upon the Reports of Pentonville Prison, and on the former edition of this Work, justly observes, "The difficulty has hitherto been to discover a system as to the less heinous class of criminals, which should at once punish to deter, and amend to restore ; and we believe the problem will find its solution in the careful and watchful workings of that kind of secondary punishment known as the Separate System. We say advisedly 'careful and watchful,' for there is much to fear from those who would abuse the deterrent principle, and who seeing no punishment in solitude, would aggravate it by additional restrictions and penalties. On the other hand, they who would abjure this principle will endeavour to denude the discipline of all its wholesome severities, leaving nothing to it but the name of a punishment ; and crime will be at a premium whenever the fear of inflicting penalties shall be livelier with the authorities than the fear of suffering penalties in the culprit."—*Quarterly Review, No. clxiii. p. 179.*

contrary, its advocates support it as a means of correction both adequate and equitable—painful to all, but varying in its penal character in proportion to the extent of depravity, and therefore felt most severely by criminals the most vicious. But compulsory labour forms no part of the plan, because both reason and experience prove that the punishment is far more grievous when the subject of it is deprived of employment ; and that if enforced, instead of correcting, it deteriorates the offender.

It has been elsewhere observed (Report, Vol. ii.) that the remorse which for a time preys upon the spirit of the prisoner is beyond comparison more distressing than the most laborious occupation with which the body might be oppressed.* The lowest grade of the human race is something above the brute, possessing faculties which in proportion to their superiority, may afford higher enjoyment, or increased suffering. It is then the healthful, however painful exercise of these, which separation and seclusion tend to excite ; but what could more cer-

* Hence in his recent evidence given before the Select Committee, on the execution of the criminal law, the Lord Justice Clerk, of Scotland, recommended that since for trifling offences long imprisonments cannot be awarded, the short imprisonments be made as burthensome as possible by the *Separate System* ; and if the time is too short for instruction, then broken only by earnest exhortation, the rest left to solitude and *complete inactivity, without any occupation*, e. g. as when it is for 20 or 30 or even 60 days, and for the first offence.

tainly prevent this most desirable object, than obliging any recourse to means of diverting the thoughts, and thus creating or encouraging indifference ; or enforcing labour, which first stimulates evil passions, and afterwards so depresses the body as to cause the reproaches of conscience to be less keenly felt, and which renders the mind less capable of reflection. However little attention has been paid to the truth in our treatment of criminals, who though fallen, are still our fellows, yet observation and experience must convince us all that sympathy, close and unconquerable, subsists between mind and body in our present state, and that weariness of the one must tend to enfeeble the energies of the other.

Any who are acquainted with the feelings of criminals must be aware how averse they are from reflection. A punishment will generally appear dreadful to them as the means of avoiding consideration are prevented.* The very dread implies the necessity for such a corrective exercise and the wisdom of enforcing it. On the other hand the fear and dislike of imprisonment will diminish in proportion as opportunities of lulling an accusing conscience may be allowed, or the means of killing time either

* A remarkable instance of this has occurred within this week. A culprit who had been six times before in custody was convicted and sentenced to three months' imprisonment, when he begged earnestly that he might not be sent to this prison, but rather that his punishment might be altered to that of transportation.

amidst vicious companions, or even by laborious occupation may be permitted. True are those lines of Young :—

“——— Prisons hardly frown,
“ From hateful *Time* if prisons set them free.”

And whilst I deprecate compulsory hard labour as preventing remorse, reflection, and improvement, I would insist more strongly upon the impropriety of allowing a large portion of the day to be spent in light and agreeable manual occupation, whilst such deprive the prison of its punitive character, they have no tendency to render it a place of correction. The work of the prisoner (excepting those to be transported, who may well be taught trades) should not be of a kind that he would choose under other circumstances. Employment elsewhere, most unpleasant, will be a welcome resource in the cell. Work of a common description becomes then an amusement, a means of diversion, a waste of time, as regards the purpose of imprisonment. Hence the mistake of employing criminals in the service of the prison. Their correction is thus often sacrificed to false economy. If any must be so occupied, those alone should be selected who have been long confined, and in whose reformation much confidence is felt. But even with such the time thus spent should be short. It was for corrective punishment that its duration was determined, and that will not be promoted, may perhaps be frustrated, by any premature interference with their penal seclusion, or by